

To: Hutson, Nick[Hutson.Nick@epa.gov]; Swanson, Nicholas[Swanson.Nicholas@epa.gov]; Ashley, John[ashley.john@epa.gov]; Ashley, Jackie[Ashley.Jackie@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]
From: Culligan, Kevin
Sent: Wed 1/17/2018 9:32:29 PM
Subject: FW: Signed title v order and CPP Repeal Notice
[Signed FR Notice for Listening Sessions on CPP 1.17.18.pdf](#)
[ATT00001.htm](#)
[Title V Petition Denial Raven Power MD signed .pdf](#)
[ATT00002.htm](#)

From: Lewis, Josh
Sent: Wednesday, January 17, 2018 4:20 PM
To: Schwab, Justin <Schwab.Justin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Lee, Michael <lee.michaelg@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Vetter, Cheryl <Vetter.Cheryl@epa.gov>
Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Wright, Rhonda <Wright.Rhonda@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Fwd: Signed title v order and CPP Repeal Notice

Please forward to anyone I missed.

Josh

Begin forwarded message:

From: "Fonseca, Silvina" <Fonseca.Silvina@epa.gov>
To: "Flynn, Mike" <Flynn.Mike@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bowman, Liz" <Bowman.Liz@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Wehrum, Bill" <Wehrum.Bill@epa.gov>, "Woods, Clint" <woods.clint@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Shaw, Betsy" <Shaw.Betsy@epa.gov>

Cc: "Lewis, Josh" <Lewis.Josh@epa.gov>, "Owens, Nicole" <Owens.Nicole@epa.gov>, "Wright, Rhonda" <Wright.Rhonda@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Richardson, RobinH" <Richardson.RobinH@epa.gov>, "Hope, Brian" <Hope.Brian@epa.gov>

Subject: Signed Petition 5 and FR Notice

Good afternoon,

Today the Administrator signed the following:

- 1) CAA Title V Petition denial for EPA to object to the proposed operating permit issued by MDE to Raven Power For Smallwood, LLC for the operation of the Fort Smallwood Complex in Arundel County, MD. (Signature is on page 25)
- 2) FR Notice to announce 3 public listening sessions for the Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units. (Signature is on page 5)

Both documents are attached. If you have any questions please contact me.

Silvina Fonseca

Special Assistant

Office of the Administrator

U.S. Environmental Protection Agency

Desk: 202.564.1955

Cell: Ex. 6 - Personal Privacy

To: Ashley, Jackie[Ashley.Jackie@epa.gov]; Ashley, John[ashley.john@epa.gov]
From: Hutson, Nick
Sent: Tue 9/12/2017 8:27:14 PM
Subject: RE: CPP ANPRM OMB Pkg

I'm holding off on sending communication materials.

I made some suggested edits to the joint CPP Repeal – ANPRM Communication Plan. Can one or both of you look at that. I generally think the Fact Sheet is OK ... but probably deserves another look. I did make the edit that Elyse suggested.

Nick

Nick Hutson, PhD

Energy Strategies Group

Office of Air & Radiation

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

tel: +1 919 541 2968

email: hutson.nick@epa.gov

From: Hutson, Nick
Sent: Tuesday, September 12, 2017 2:32 PM
To: Ashley, Jackie <Ashley.Jackie@epa.gov>; Ashley, John <ashley.john@epa.gov>
Subject: FW: CPP ANPRM OMB Pkg

Are the communication materials still “under development” ... or ready to go?

Nick Hutson, PhD

Energy Strategies Group

Office of Air & Radiation

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

tel: +1 919 541 2968

email: hutson.nick@epa.gov

From: Eck, Janet

Sent: Tuesday, September 12, 2017 2:30 PM

To: Rush, Alan <Rush.Alan@epa.gov>

Cc: Iglesias, Amber <Iglesias.Amber@epa.gov>; Henigin, Mary <Henigin.Mary@epa.gov>; Hutson, Nick <Hutson.Nick@epa.gov>; Fruh, Steve <Fruh.Steve@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; French, Chuck <French.Chuck@epa.gov>; Thompson, Fred <Thompson.Fred@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>

Subject: CPP ANPRM OMB Pkg

Hi Alan, Attached is the Greenhouse Gas Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units Advance Notice of Proposed Rulemaking (ANPRM) OMB package (SAN 6346). This package is Tier 1, OMB significant, and requires interagency review. The communication materials are under development in PACS. Several OGC attorneys, including management, have reviewed and provided comments on this ANPRM. However, Justin Schwab indicated he would like to review the preamble and may provide comments this week. Please forward to OAR for review. Thanks.

To: Culligan, Kevin[Culligan.Kevin@epa.gov]
Cc: Noonan, Jenny[Noonan.Jenny@epa.gov]; Ashley, Jackie[Ashley.Jackie@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]
From: Ashley, John
Sent: Wed 1/3/2018 7:07:02 PM
Subject: Draft FR Notice for Listening Sessions
[CPP Repeal Listening Sessions Notice.docx](#)

All –

Attached is the first draft of the FR Notice for the listening sessions. Please review and let me know of any comments or concerns.

There are many placeholders that will be filled in later. Phrases in yellow highlight are ones I thought needed to be confirmed prior to publication. Or they could simply be removed if appropriate.

Thank you for your time. Needless to say the timeframe for your edits/comments is ASAP.

John Ashley

U.S. Environmental Protection Agency
Office of Air Quality Planning and Standards
Sector Policies and Programs Division
(919) 541-1458

2. On March 28, 2017, the President of the United States issued an Executive Order establishing the policy of the United States that executive departments and agencies “immediately review existing regulations that potentially burden the development or use of domestically produced energy resources and appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law.” Executive Order, “Promoting Energy Independence and Economic Growth,” § 1(c), 82 Fed. Reg. 16,093 (Mar. 28, 2017). With respect to the Rule in particular, the Executive Order directs the Administrator of EPA to “immediately take all steps necessary” to review it for consistency with these and other policies set forth in the Order. Id. § 4. The Executive Order further instructs the agency to “if appropriate [and] as soon as practicable . . . publish for notice and comment proposed rules suspending, revising, or rescinding” the Rule. Id.

3. In accordance with the Executive Order and his authority under the Clean Air Act, the EPA Administrator signed a Federal Register notice on March 28, 2017, announcing EPA’s review of the Rule and noting that if EPA’s review “concludes that suspension, revision or rescission of this Rule may be appropriate, EPA’s review will be followed by a rulemaking process that will be transparent, follow proper administrative procedures, include appropriate engagement with the public, employ sound science, and be firmly grounded in the law.” “Review of the Clean Power Plan,” 82 Fed. Reg. 16,329, 16,329 (Apr. 4, 2017).

4. Based on these significant developments, EPA filed a motion on March 28, 2017, to hold these cases in abeyance pending completion of EPA's review and any resulting forthcoming rulemaking. ECF No. 1668274. By order dated April 28, 2017, this Court held the cases in abeyance for 60 days and directed EPA to file status reports at 30-day intervals from the date of the order. Id. The Court further directed the parties to file supplemental briefs by May 15, 2017, addressing "whether these consolidated cases should be remanded to the agency rather than held in abeyance." ECF No. 1673071. EPA timely submitted its supplemental brief and advocated continuing to hold these cases in abeyance for the reasons explained therein. ECF No. 1675243. By order dated August 8, 2017, the Court held the cases in abeyance for an additional 60 days and directed EPA to continue to file status reports at 30-day intervals beginning 30 days from the date of the order. EPA filed its most recent status report with the Court on September 7, 2017.

5. On October 10, 2017 the Administrator signed a Federal Register notice proposing to repeal the Clean Power Plan on the grounds that it exceeds EPA's statutory authority under a proposed change in the Agency's interpretation of section 111 of the Clean Air Act, 42 U.S.C. § 7411. After publication in the Federal Register, interested persons will have 60 days to comment on this proposal. The signed notice is available on EPA's website at <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan-0>. EPA is further considering the scope of any potential replacement rule under section 111(d)

of the Clean Air Act to regulate greenhouse gas emissions from existing electric utility generating units. EPA will be signing in the near future an Advance Notice of Proposed Rulemaking that will solicit information on systems of emission reduction that are in accord with the legal interpretation that has been proposed by EPA.

7. For the reasons set forth in EPA's March 28, 2017 Motion to Hold Cases in Abeyance (ECF No. 1668274) and May 15, 2017 Supplemental Brief in Support of Abeyance (ECF No. 1675243), these cases should remain in abeyance pending the conclusion of rulemaking.

Respectfully submitted,

ERIC GRANT
Deputy Assistant Attorney General

DATED: October 10, 2017 BY: /s/ Chloe H. Kolman
ERIC G. HOSTETLER
NORMAN L. RAVE, JR.
BRIAN H. LYNK
AMANDA SHAFER BERMAN
CHLOE H. KOLMAN
U.S. Department of Justice
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
Phone: (202) 305-2326
Email: eric.hostetler@usdoj.gov

Of Counsel:

Lorie Schmidt
Elliott Zenick
Scott J. Jordan
United States Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Status Report have been served through the Court's CM/ECF system on all registered counsel this 10th day of October, 2017.

/s/ Chloe H. Kolman
Counsel for Respondent

Cover Form and Checklist for *Federal Register* (FR) Document Submissions to the Office of Policy (OP)

Section 1: Tracking information

Contact name: Janet Eck

Office/Region: OAR

Contact phone and email: (919) 541-7946, eck.janet@epa.gov

Docket # (if applicable): EPA-HQ-OAR-2017-0355

FRL # (if applicable):

Name of document: Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units

Name of File: CPP Repeal Listening Sessions Notice V2.docx

Other Information (alternate contacts, etc.):

Alternate Contact: John Ashley, (919) 541-1458, ashley.john@epa.gov

Ex. 5 - Deliberative Process

Section 3: Checklist for Document Format and Package Components

The following section provides formatting requirements for materials included in a submission package. Requirements are based on OFR's Document Drafting Handbook. Failure to adhere to these requirements could delay the publication of your document.

- ☒ 1. EPA's Billing Code is present (**6560-50-P**) on original and each copy, on the first page of each document in the upper right corner.
- ☒ 2. The **title** is concise, does not contain overly specific information, and does not contain legal citations.
- ☒ 3. The **SUMMARY** section is no longer than one page.
- ☒ 4. The **SUMMARY** section does not contain legal citations (*i.e.*, *CFR citations*, *FR citations*, *USC citations*, *etc.*).
- ☒ 5. The **DATES** section is labeled "**DATES**" (*Not "EFFECTIVE DATES", etc.*).
- ☐ 6. The **Table of Contents**, if included, matches the headings in the preamble.
- 7. **Signature Block – Original Paper Version***
 - ☒ a. The signature block contains a legible date.
 - ☒ b. The signer's name and title are typed or printed under the signature line.
 - ☒ c. (*if applicable*) "Acting" is added, in front of the title, if a person other than the official holder of that title is acting in that capacity. (*Note: no "for" is permitted in the signature block*)
 - ☒ d. Any changes are initialed and dated. (*Forexample, corrections to make the typed or printed name match the signature are made by striking through the incorrect name, and initialing and dating the correction.*)
 - ☒ e. No White-Out or corrective tape is used on the signature page.
- 8. **Signature Block – Word File***
 - ☒ a. The signature page matches items 7a – c above.
 - ☒ b. The date is spelled out, with a period at the end. (*Example: "February 6, 2014."*)
- ☒ 9. A rewritable CD (**CD-RW**) is included with the package. (*CD-R or DVD-RW are not acceptable*)
- 10. The CD-RW contains:
 - ☒ a. the **(1) most recent Word version** of document that **(2) matches the original**,
 - ☒ b. a scanned copy of the typesetting request form, and
 - ☒ c. a scanned copy of the (signed) signature page.
- ☒ 11. The **original** document is **single-sided**, and each **copy** is **double-sided**.
- ☒ 12. The correct number of copies are included. This number will depend on the type of document you are submitting. See [FR publishing website](#), under "Submitting Packages to the FR Team".

Section 4: Certification and Signature

I certify that the CD-RW I am submitting as part of this package includes the **most recent Word file** of the document and matches the copies and the original included in this package.

Date/Signature of Contact Regarding Submitted Package

To: Keating, Martha[keating.martha@epa.gov]; Ashley, Jackie[Ashley.Jackie@epa.gov]
From: Weatherhead, Darryl
Sent: Fri 10/6/2017 5:58:50 PM
Subject: Fwd: CPP Repeal Pkg for OMB

Not yet cleared, but on its way.

Sent from my iPhone

Begin forwarded message:

From: "Iglesias, Amber" <Iglesias.Amber@epa.gov>
Date: October 6, 2017 at 1:49:44 PM EDT
To: "Eck, Janet" <Eck.Janet@epa.gov>
Cc: "Rush, Alan" <Rush.Alan@epa.gov>, "Henigin, Mary" <Henigin.Mary@epa.gov>, "Hutson, Nick" <Hutson.Nick@epa.gov>, "Culligan, Kevin" <Culligan.Kevin@epa.gov>, "Fruh, Steve" <Fruh.Steve@epa.gov>, "Swanson, Nicholas" <Swanson.Nicholas@epa.gov>, "Dunkins, Robin" <Dunkins.Robin@epa.gov>, "French, Chuck" <French.Chuck@epa.gov>, "Thompson, Fred" <Thompson.Fred@epa.gov>, "Tsirigotis, Peter" <Tsirigotis.Peter@epa.gov>, "Macpherson, Alex" <Macpherson.Alex@epa.gov>, "Weatherhead, Darryl" <Weatherhead.Darryl@epa.gov>, "Scavo, Kimber" <Scavo.Kimber@epa.gov>, "Sasser, Erika" <Sasser.Erika@epa.gov>
Subject: RE: CPP Repeal Pkg for OMB

Thanks!

From: Eck, Janet
Sent: Friday, October 06, 2017 1:49 PM
To: Iglesias, Amber <Iglesias.Amber@epa.gov>
Cc: Rush, Alan <Rush.Alan@epa.gov>; Henigin, Mary <Henigin.Mary@epa.gov>; Hutson, Nick <Hutson.Nick@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Fruh, Steve <Fruh.Steve@epa.gov>; Swanson, Nicholas <Swanson.Nicholas@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; French, Chuck <French.Chuck@epa.gov>; Thompson, Fred <Thompson.Fred@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>; Scavo, Kimber <Scavo.Kimber@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>
Subject: FW: CPP Repeal Pkg for OMB

Hi Amber, Forwarding the Repeal of Carbon Pollution Emission Guidelines for Existing

Stationary Sources: Electric Utility Generating Units (SAN 5548.7) to OP in anticipation of OMB clearance for upload into ROCIS. I will let you know when we receive the final go-ahead to upload. Thanks.

From: Culligan, Kevin
Sent: Friday, October 06, 2017 1:40 PM
To: Eck, Janet <Eck.Janet@epa.gov>
Cc: Hutson, Nick <Hutson.Nick@epa.gov>
Subject: Re: CPP Repeal Pkg for OMB

We can also move package to OP. Should be cleared soon



1201 F Street NW, Suite 200
Washington, DC 20004

RECEIVED

2017 OCT 24 AM 10:41

OFFICE OF THE
EXECUTIVE SECRETARY

Via www.regulations.gov
and U.S. First Class Mail

October 19, 2017

The Honorable Scott Pruitt, Administrator
Environmental Protection Agency
Docket ID No. EPA-HQ-OAR-2017-0355
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Administrator:

RE: Comments on "Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units", Docket ID No. EPA-HQ-OAR-2017-0355, 82 *Fed. Reg.* 48035 (October 16, 2017)

This letter presents comments of the National Federation of Independent Business (NFIB) in response to the Environmental Protection Agency (EPA or agency) notice of proposed rulemaking titled "Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units" and published in the *Federal Register* of October 16, 2017. The proposed rule repeals the final rule issued by EPA in its notice titled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," 80 *Fed. Reg.* 64662 (October 23, 2015), commonly known as the Clean Power Plan (CPP) rule. The CPP rule currently is not in effect, due to the stay ordered by the U.S. Supreme Court on February 9, 2016.

NFIB supports the October 16, 2017, proposed rule to repeal the CPP final rule, both to reduce the potential government-imposed costs on small and independent businesses and because, as the notice of proposed rulemaking demonstrates, EPA lacked statutory authority to issue the CPP rule.

NFIB is an incorporated nonprofit association of approximately 300,000 members across America, all of whom consume energy in providing goods and services in the American economy. NFIB protects and advances the ability of Americans to own, operate, and grow their businesses and, in particular, ensures that the governments of the United States and the fifty states hear the voice of small business as they formulate public policies.

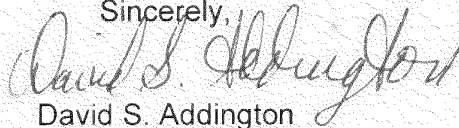
The CPP rule would increase substantially the cost of energy and therefore would impose greater costs on America's small and independent businesses. Electricity costs remain one of the top twenty concerns of American small and independent businesses. See, Holly Wade, *Small Business Problems & Priorities* (NFIB, August 2016), p. 12. Repeal of the CPP rule will leave more resources in the hands of those small and independent businesses, resources they can use to grow their businesses and create jobs.

While NFIB concurs (see explanation in NFIB comments filed in the Clean Power Plan rule docket on December 1, 2014) with the EPA conclusion that the CPP rule "exceeds its authority under the statute" (82 *Fed. Reg.* at 48038, col. 2), NFIB notes that the legal rights and liberties of NFIB and its members granted by the Constitution and laws of the United States are not subject to definition according to the views or whims of the self-selected tiny subset of the public that chooses to file (or hires lawyers to file) comments with an agency in response to a notice of proposed rulemaking published in the *Federal Register*. EPA should not have solicited, as it did in the *Federal Register* notice of October 16, 2017 (82 *Fed. Reg.* at 48042, cols. 2 and 3), public comment on proposed constructions of sections 111 and 310 of the Clean Air Act.

The Constitution assigns to the President the duty to "take Care that the Laws be faithfully executed." Statutes enacted by Congress assign to the Attorney General the duty to issue legal opinions to the President and the heads of departments (28 U.S.C. 511-512), a function the Attorney General has delegated to the Assistant Attorney General for the Office of Legal Counsel (28 CFR 0.25). If the EPA Administrator after receiving advice from the EPA general counsel has any doubt about the meaning or application of sections 111 and 310 of the Clean Air Act, the Administrator should seek the authoritative legal opinion of the Attorney General or guidance of the President (who no doubt would rely on the sound legal advice of the Attorney General). The EPA Administrator should obtain legal opinions and guidance from the properly authorized -- and constitutionally accountable -- officers of the federal government.

In response to the EPA notice of October 16, 2017, NFIB and small and independent businesses across America appreciate the EPA's recognition that it lacked statutory authority for the Clean Power Plan rule and EPA's determination to repeal that rule.

Sincerely,



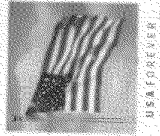
David S. Addington
Senior Vice President and General Counsel

David S. Addington
Senior Vice President
and General Counsel

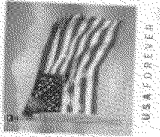


The Voice of Small Business.

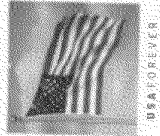
1201 F Street NW, Suite 200 • Washington, DC 20004



USA FOREVER



USA FOREVER



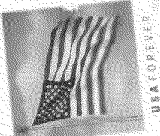
USA FOREVER



USA FOREVER



USA FOREVER



USA FOREVER

OCT 24 2017

The Honorable Scott Pruitt, Administrator
Environmental Protection Agency
Docket ID No. EPA-HQ-OAR-2017-0355
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460



To: Ashley, Jackie[Ashley.Jackie@epa.gov]; Wildermann, Rob[Wildermann.Rob@epa.gov]
Cc: ITG Web Team[ITGWebTeam@epa.gov]
From: Keaveny, Brian
Sent: Tue 10/10/2017 5:24:29 PM
Subject: RE: Please post CPP
[ria_proposed-cpp-repeal_2017-10.pdf](#)

Hi Rob,

As I just mentioned on the phone, I'm having some IT issue preventing me from uploading the RIA PDF onto the ECAS site that I manage. So, I can't provide you a link to it now.

I understand that you need to get this PDF online ASAP, so I'm attaching it to this email so you can upload it to a sever and link to it.

After we're past this rush of getting it online, we'll want to make sure we get this posted on the ECAS website.

Thanks,

- Brian

—

Brian Keaveny, Economist

Air Economics Group, HEID/OAQPS

U.S. EPA Office of Air and Radiation

MD C439-02, 109 TW Alexander Dr., RTP, NC 27711

Phone: 919-541-5238

From: Ashley, Jackie

Sent: Tuesday, October 10, 2017 1:14 PM
To: Wildermann, Rob <Wildermann.Rob@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>
Cc: ITG Web Team <ITGWebTeam@epa.gov>
Subject: RE: Please post CPP

Here's the fact sheet.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

From: Ashley, Jackie
Sent: Tuesday, October 10, 2017 1:05 PM
To: Wildermann, Rob <Wildermann.Rob@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>
Cc: ITG Web Team <ITGWebTeam@epa.gov>
Subject: Please post CPP
Importance: High

Rob and Brian –

We are ready to post the CPP.

Rob -- Attached is the PDF of the FR notice of the proposed repeal. Please post the page <https://wcms.epa.gov/node/192241/revisions/593429/view>, then send me the link ASAP so I can update the fact sheet and send that to you.

FR notice title: Proposed Rule: Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric

Utility Generating Units (Pre-publication)

Fact sheet title: Fact Sheet: Proposal to Repeal the Clean Power Plan

RIA title: Regulatory Impact Analysis for the Review of the Clean Power Plan: Proposal

Press release: <https://www.epa.gov/newsreleases/epa-takes-another-step-advance-president-trumps-america-first-strategy-proposes-repeal>

Brian – Please post the RIA and reply all with the link, so Rob can link to it from <https://wcms.epa.gov/node/192249/revisions/593479/view>.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

ORAL ARGUMENT HELD SEPTEMBER 27, 2016

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF WEST VIRGINIA, ET AL.,

Petitioners,

V.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, ET AL.,

Respondents.

No. 15-1363 (and consolidated cases)

EPA STATUS REPORT

Pursuant to this Court’s order of November 9, 2017, Respondents United States Environmental Protection Agency, et al. (“EPA”), hereby provide the Court with their scheduled 30-day status report.

1. These cases involve numerous consolidated petitions for review of an EPA rule entitled “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units” (“the Rule”). 80 Fed. Reg. 64,662 (Oct. 23, 2015). The Supreme Court granted applications for a stay of the Rule pending judicial review on February 9, 2016. Order, West Virginia v. EPA, No. 15A773. Following full merits briefing, oral argument was held before this Court, sitting en banc, on September 27, 2016.

2. On March 28, 2017, the President of the United States issued an Executive Order establishing the policy of the United States that executive departments and agencies “immediately review existing regulations that potentially burden the development or use of domestically produced energy resources and appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law.” Executive Order, “Promoting Energy Independence and Economic Growth,” § 1(c), 82 Fed. Reg. 16,093 (Mar. 28, 2017). With respect to the Rule in particular, the Executive Order directs the Administrator of EPA to “immediately take all steps necessary” to review it for consistency with these and other policies set forth in the Order. Id. § 4. The Executive Order further instructs the agency to “if appropriate [and] as soon as practicable . . . publish for notice and comment proposed rules suspending, revising, or rescinding” the Rule. Id.

3. In accordance with the Executive Order and his authority under the Clean Air Act, the EPA Administrator signed a Federal Register notice on March 28, 2017, announcing EPA’s review of the Rule and noting that if EPA’s review “concludes that suspension, revision or rescission of this Rule may be appropriate, EPA’s review will be followed by a rulemaking process that will be transparent, follow proper administrative procedures, include appropriate engagement with the public, employ sound science, and be firmly grounded in the law.” “Review of the Clean Power Plan,” 82 Fed. Reg. 16,329, 16,329 (Apr. 4, 2017).

4. Based on these significant developments, EPA filed a motion on March 28, 2017, to hold these cases in abeyance pending completion of EPA's review and any resulting forthcoming rulemaking. ECF No. 1668274. By order dated April 28, 2017, this Court held the cases in abeyance for 60 days and directed EPA to file status reports at 30-day intervals from the date of the order. Id. The Court further directed the parties to file supplemental briefs by May 15, 2017, addressing "whether these consolidated cases should be remanded to the agency rather than held in abeyance." ECF No. 1673071. EPA timely submitted its supplemental brief and advocated continuing to hold these cases in abeyance for the reasons explained therein. ECF No. 1675243. By order dated August 8, 2017, the Court held the cases in abeyance for an additional 60 days and directed EPA to continue to file status reports at 30-day intervals. ECF No. 1687838. On November 9, 2017, the Court issued a further order holding the cases in abeyance for an additional 60 days and directing EPA to continue to file status reports at 30-day intervals, beginning 30 days from the date of that order. ECF No. 1703889.

5. On October 10, 2017 the Administrator signed a Federal Register notice proposing to repeal the Clean Power Plan on the grounds that it exceeds EPA's statutory authority under a proposed change in the Agency's interpretation of section 111 of the Clean Air Act, 42 U.S.C. § 7411. The proposed rule was published in the Federal Register on October 16, 2017, 82 Fed. Reg. 48,035. On November 8, 2017, EPA issued a notice scheduling public hearings on the proposal for November 28 and

29, 2017, and extending the public comment period on the proposed rule until January 16, 2018. 82 Fed. Reg. 51,787. On November 28 and 29, 2017, EPA held the public hearings. EPA expects to issue in the near future a Federal Register notice providing information on three additional public listening sessions and keeping the record open for 30 days after the last listening session.

6. EPA is further considering the scope of any potential new rule under section 111(d) of the Clean Air Act to regulate greenhouse gas emissions from existing electric utility generating units. On December 18, 2017, the Administrator signed an Advance Notice of Proposed Rulemaking (“ANPR”) soliciting information on systems of emission reduction that are in accord with the legal interpretation that has been proposed by EPA. The ANPR was published in the Federal Register on December 28, 2017. 82 Fed. Reg. 61,507.

7. For the reasons set forth in EPA’s March 28, 2017 Motion to Hold Cases in Abeyance (ECF No. 1668274) and May 15, 2017 Supplemental Brief in Support of Abeyance (ECF No. 1675243), these cases should remain in abeyance pending the conclusion of rulemaking.

Respectfully submitted,

ERIC GRANT

Deputy Assistant Attorney General

DATED: January 10, 2018

BY: /s/ Eric G. Hostetler

ERIC G. HOSTETLER

NORMAN L. RAVE, JR.

BRIAN H. LYNK

AMANDA SHAFER BERMAN

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Elliott Zenick

Scott J. Jordan

United States Environmental Protection Agency

Office of General Counsel

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Status Report have been served through the Court's CM/ECF system on all registered counsel this 10th day of January, 2018.

/s/ Eric G. Hostetler

Counsel for Respondent

To: Millett, John[Millett.John@epa.gov]; DeLuca, Isabel[DeLuca.Isabel@epa.gov]
From: Ashley, Jackie
Sent: Tue 10/10/2017 4:57:30 PM
Subject: RE: EPA Proposes Repeal Of Clean Power Plan

Thanks. Web site should be up shortly.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 –
ashley.jackie@epa.gov

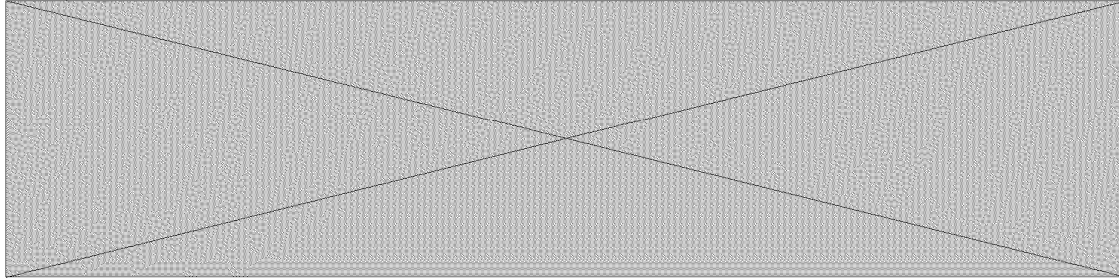
From: Millett, John
Sent: Tuesday, October 10, 2017 12:57 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Ashley, Jackie <Ashley.Jackie@epa.gov>
Subject: FW: EPA Proposes Repeal Of Clean Power Plan

Fyi --

From: Jones, Enesta
Sent: Tuesday, October 10, 2017 12:52 PM
To: Press <Press@epa.gov>; Comm Directors and Alternates
<Comm_Directors_and_Alternates@epa.gov>; PADs and Alternates
<PADs_and_Alternates@epa.gov>
Subject: FW: EPA Proposes Repeal Of Clean Power Plan

This release is posted in the newsroom: <https://www.epa.gov/newsreleases/epa-takes-another-step-advance-president-trumps-america-first-strategy-proposes-repeal>

From: EPA Press Office [mailto:press=epa.gov@cmail20.com] **On Behalf Of** EPA Press Office
Sent: Tuesday, October 10, 2017 12:30 PM
To: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: EPA Proposes Repeal Of Clean Power Plan



CONTACT: press@epa.gov

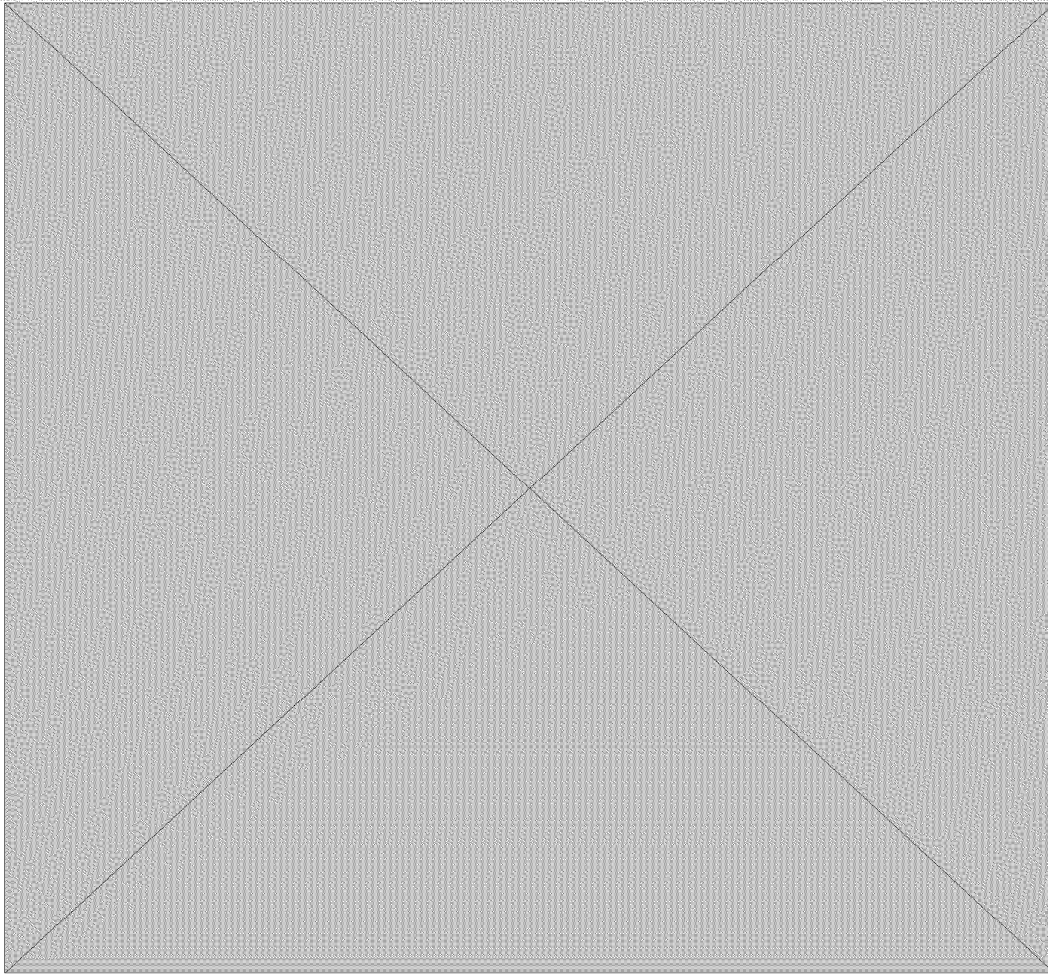
EPA Takes Another Step To Advance President Trump's America First Strategy, Proposes Repeal Of "Clean Power Plan"

WASHINGTON (October 10, 2017) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt issued a Notice of Proposed Rulemaking (NPRM), proposing to repeal the so-called "Clean Power Plan (CPP)." After reviewing the CPP, EPA has proposed to determine that the Obama-era regulation exceeds the Agency's statutory authority. Repealing the CPP will also facilitate the development of U.S. energy resources and reduce unnecessary regulatory burdens associated with the development of those resources, in keeping with the principles established in President Trump's Executive Order on Energy Independence.

"The Obama administration pushed the bounds of their authority so far with the CPP that the Supreme Court issued a historic stay of the rule, preventing its devastating effects to be imposed on the American people while the rule is being challenged in court," **said EPA Administrator Scott Pruitt.** "We are committed to righting the wrongs of the Obama administration by cleaning the regulatory slate. Any replacement rule will be done carefully, properly, and with humility, by listening to all those affected by the rule."



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



CPP Appears to be Inconsistent with the Clean Air Act

The CPP, issued by the Obama administration, was premised on a novel and expansive view of Agency authority that the Trump administration now proposes to determine is inconsistent with the Clean Air Act. In fact, the CPP was put on hold in February 2016, when the U.S. Supreme Court issued an unprecedented, historic stay of the rule.

“EPA will respect the limits of statutory authority. The CPP ignored states’ concerns and eroded longstanding and important partnerships that are a necessary part of achieving positive environmental outcomes. We can now assess whether further regulatory action is warranted; and, if so, what is the most appropriate path forward, consistent with the Clean Air Act and principles of cooperative federalism,” **said Administrator Pruitt.**

The CPP was issued pursuant to a novel and expansive view of authority under Section 111 of the Clean Air Act (CAA). The CPP required regulated entities to take actions “outside the fence line.” Traditionally, EPA Section 111 rules were based on measures that could be applied to, for, and at a particular facility, also referred to as “inside the fence line” measures. Prior to the CPP being issued, every single Section 111 rule on the books, including a handful of existing source rules and around 100 new-source rules, obeyed this limit. As the CPP departed from this traditional limit on EPA’s authority

under an “inside the fence line” interpretation, EPA is proposing to repeal it.

EPA has now sent the NPRM to the Federal Register for publication. Upon publication, the public will have 60 days to submit comments.

The repeal package includes:

1. The “preamble,” which lays out the proposed legal interpretation, policy implications, and a summary of the cost-benefits analysis of the proposed repeal; and
2. The “Regulatory Impact Analysis (RIA),” an in-depth cost-benefit technical analysis.

CPP Repeal Saves up to \$33 Billion in Avoided Costs in 2030

The proposed repeal both examines the Obama administration’s cost-benefit analysis, as well as provides insights to support an updated analysis of the environmental, health, and economic effects of the proposed repeal. The Trump administration estimates the proposed repeal could provide up to \$33 billion in avoided compliance costs in 2030.

The previous administration’s estimates and analysis of these costs and benefits was, in multiple areas, highly uncertain and/or controversial. Specific areas of controversy and/or uncertainty in the Obama administration’s analysis of CPP include:

- **Domestic versus global climate benefits:** The previous administration compared U.S. costs to an estimate of supposed global benefits, and failed to follow well-established economic procedures in estimating those benefits.
- **“Co-benefits” from non-greenhouse-gas pollutants:** The Obama administration relied heavily on reductions in other pollutants emitted by power plants, essentially hiding the true net cost of the CPP by claiming benefits from reducing pollutants that had nothing to do with the rule’s stated purpose.
- **Energy cost and savings accounting:** The Obama administration counted “energy efficiency” results of their rule as an avoided cost, resulting in a cost estimate being considerably lower than it would have been if they used the appropriate practice of considering these effects as benefits, rather than subtracting them from costs. Had the Obama administration used the Office of Management and Budget’s longstanding requirements and accounted cost and savings accordingly, it would have presented a more accurate accounting of the total cost of the CPP.

In this proposed repeal and its accompanying technical documents, this administration is, in a robust, open, and transparent way, presenting a wide range of analysis scenarios to the public.

As part of the notice-and-comment process for this proposed repeal, EPA will continue this analysis and inform the public, as necessary, to get feedback on new modeling and other information. The final action on this proposed repeal will address the results of this ongoing work.

Forthcoming is an Advanced Notice of Proposed Rulemaking (ANPRM) that will be reflective of a thoughtful and responsible approach to regulatory action grounded within the authority provided by the statute.

“With this action, the Trump administration is respecting states’ role and reinstating transparency into

how we protect our environment,” **said Administrator Pruitt.**

Background:

On March 28, President Trump signed an Executive Order on Energy Independence, establishing a national policy in favor of energy independence, economic growth, and the rule of law. The purpose of the Executive Order (EO) is to facilitate the development of U.S. energy resources and to reduce unnecessary regulatory burdens associated with the development of those resources. That same day, EPA Administrator Scott Pruitt signed four Federal Register notices in response to the EO, including a formal announcement of review of the Clean Power Plan. After substantial review, the Agency has proposed to determine that the Clean Power Plan (CPP) must be repealed.

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Newsroom



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

[Unsubscribe](#)

To: ITG Web Team[ITGWebTeam@epa.gov]
From: Ashley, Jackie
Sent: Fri 12/15/2017 2:12:32 PM
Subject: RE: To stage: ANPRM pages and boxes

This will likely happen on Monday.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

From: Ashley, Jackie
Sent: Thursday, December 14, 2017 8:47 AM
To: ITG Web Team <ITGWebTeam@epa.gov>
Subject: To stage: ANPRM pages and boxes

All –

I still don't know about timing of signature and announcement of the ANPRM, but it may be as soon as tomorrow. So please stage the changes/updates outlined in the attached document. Let me know if you have any questions!

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

From: Payne, Melissa
Sent: Monday, December 11, 2017 11:57 AM
To: Ashley, Jackie <Ashley.Jackie@epa.gov>; ITG Web Team <ITGWebTeam@epa.gov>
Subject: RE: Possibly coming this week - ANPRM

Thanks, Jackie- good to know!

Melissa Payne

Information Transfer Group

US Environmental Protection Agency

919.541.3609

From: Ashley, Jackie

Sent: Monday, December 11, 2017 11:13 AM

To: ITG Web Team <ITGWebTeam@epa.gov>

Subject: Possibly coming this week - ANPRM

Hi ITG Web Team,

This is a heads up that we may put the ANPRM related to the repeal of the CPP out later this week – maybe Friday, maybe sooner. The new pages have been staged by Rob, but will need to be tweaked once I get vetted language. We will also need to add some boxes to the CPP repeal pages to link the two actions to each other. I don't have any asks at the moment, but wanted to keep you in the loop. And let you know that I'll try to give you as much lead time as possible to get them staged. ☺

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

To: Swanson, Nicholas[Swanson.Nicholas@epa.gov]
Cc: Ashley, John[ashley.john@epa.gov]; Dunkins, Robin[Dunkins.Robin@epa.gov]; Culligan, Kevin[culligan.kevin@epa.gov]
From: Ashley, Jackie
Sent: Tue 11/7/2017 4:34:36 PM
Subject: proposed CPP repeal dashboard

Hi Nick –

I anticipate we will get many comments on the proposed CPP repeal, and a lot of questions from stakeholders about how many comments we have, so I'd like to ask if you can work with the docket office to set up an internal dashboard similar to what we had in 2014. Here's the link to it: <http://intranet.epa.gov/fdmsinfo/oar0602dashboard.html>. As you can see, it provides a breakdown of comments between unique and mass mailer. This was a very useful tool for several of us to have internally (SPPD and PACS), and should cut down on time you (or someone in SPPD) would need to spend on these questions when/if they roll it.

Is it possible to get this set up before Thanksgiving? Let me know.

Thanks!

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

To: Mckelvey, Laura[Mckelvey.Laura@epa.gov]; Noonan, Jenny[Noonan.Jenny@epa.gov]
Cc: Colon, Toni[Colon.Toni@epa.gov]
From: Ashley, Jackie
Sent: Tue 12/19/2017 4:48:48 PM
Subject: RE: Press release on the CPP replacement ANPR
[fs-anprm-state-guidelines-ghg-emissions-egus.pdf](#)

Laura –

Here's a copy of the press release. It went out shortly after 6 pm on Monday. And I also attached the fact sheet, which is on the website. Please let me know if I can be of more help.

-Jackie

EPA Announces Next Steps After Proposed Clean Power Plan Repeal

WASHINGTON (December 18, 2017) – Today, the U.S. Environmental Protection Agency (EPA) issued an Advance Notice of Proposed Rulemaking (ANPRM) to announce that the Agency will solicit public input as it considers the next regulatory steps to limit greenhouse gas (GHG) emissions from existing electric utility generating units (EGUs), also known as power plants.

"Consistent with our commitment to the rule of law, we've already set in motion an assessment of the previous administration's questionable legal basis in our proposed repeal of the Clean Power Plan. With a clean slate, we can now move forward to provide regulatory certainty," **said EPA Administrator Scott Pruitt**. "Today's move ensures adequate and early opportunity for public comment from all stakeholders about next steps the Agency might take to limit greenhouse gases from stationary sources, in a way that properly stays within the law, and the bounds of the authority provided to EPA by Congress."

The ANPRM is a separate, but related, action to the October 16, 2017 proposal to repeal the so-called "Clean Power Plan." In that proposal, EPA proposed to determine that the Obama-era regulation exceeds the Agency's statutory authority.

The ANPRM offers the public the opportunity to comment on specific topics for the Agency to consider in developing any subsequent proposed rule. EPA is specifically soliciting information on systems of emission reduction that are applicable to or at an EGU facility, information on compliance measures, and information on state-planning requirements under Clean Air Act section 111(d).

EPA will take comment on the ANPRM for 60 days after publication in the Federal Register. More information, including the ANPRM and fact sheet, are available at: <https://www.epa.gov/stationary->

[sources-air-pollution/electric-utility-generating-units-advance-notice-proposed](#)

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

From: Mckelvey, Laura

Sent: Tuesday, December 19, 2017 11:45 AM

To: Ashley, Jackie <Ashley.Jackie@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>

Cc: Colon, Toni <Colon.Toni@epa.gov>

Subject: Press release on the CPP replacement ANPR

Do we have a press release or anything I can send out to tribes on the ANPR?

To: Ferrell, Mark[Ferrell.Mark@epa.gov]
From: Ashley, Jackie
Sent: Tue 11/28/2017 3:39:05 AM
Subject: Re: public notice on live stream

Is that what you're looking for? Or are you asking if there's going to be a press announcement?

On Nov 27, 2017, at 10:12 PM, Ferrell, Mark <Ferrell.Mark@epa.gov> wrote:

Question is how do we direct people there?

From: Ashley, Jackie
Sent: Monday, November 27, 2017 10:09 PM
To: Ferrell, Mark
Cc: Noonan, Jenny; Cortelyou-Lee, Jan
Subject: Re: public notice on live stream

Links are already posted here. <https://www.epa.gov/stationary-sources-air-pollution/public-hearing-repealing-clean-power-plan>

[Public Hearing: Repealing the Clean Power Plan ...](https://www.epa.gov/stationary-sources-air-pollution/public-hearing-repealing-clean-power-plan)
www.epa.gov

On Nov 27, 2017, at 8:51 PM, Ferrell, Mark <Ferrell.Mark@epa.gov> wrote:

I'm sure you discussed during one of the meetings I missed - What is the plan for making the live streaming website URL available to general public?

~Mark

To: Millett, John[Millett.John@epa.gov]; Noonan, Jenny[Noonan.Jenny@epa.gov]
Cc: Lewis, Josh[Lewis.Josh@epa.gov]; Cyran, Carissa[Cyran.Carissa@epa.gov]; DeLuca, Isabel[DeLuca.Isabel@epa.gov]
From: Ashley, Jackie
Sent: Tue 8/29/2017 1:42:23 PM
Subject: RE: Talking Points for CPP
4b. Clean Power Plan.docx

You could also use this short background doc if you'd like.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

From: Millett, John
Sent: Tuesday, August 29, 2017 9:40 AM
To: Noonan, Jenny <Noonan.Jenny@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Ashley, Jackie <Ashley.Jackie@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: Talking Points for CPP

Thanks!

From: Noonan, Jenny
Sent: Tuesday, August 29, 2017 9:40 AM
To: Millett, John <Millett.John@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Ashley, Jackie <Ashley.Jackie@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: FW: Talking Points for CPP

Here is the latest that we've got.

In accordance with the directives contained in the President's Energy Independence Executive Order signed in late March, Administrator Pruitt issued notices indicating the agency's intent to review and, if appropriate, to propose to revise or rescind certain rules issued by the previous Administration, including the Clean Power Plan. EPA has now submitted a proposed review of the Clean Power Plan, after

reviewing it pursuant to the Executive Order. Once the interagency review is complete, EPA will issue the proposal for public review and comment.

The 2017 update to the unified agenda says:

On April 4, 2017, the EPA announced it is reviewing the Clean Power Plan, found at 40 CFR part 60, subpart UUUU. This action proposes to withdraw the Clean Power Plan on grounds that it exceeds the statutory authority provided under section 111 of the Clean Air Act.

From: Lewis, Josh

Sent: Tuesday, August 29, 2017 9:24 AM

To: Millett, John <Millett.John@epa.gov>

Cc: Noonan, Jenny <Noonan.Jenny@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>

Subject: Re: Talking Points for CPP

Nothing recent that I'm aware of. The executive order and the FR notice that followed have the most public info

On Aug 29, 2017, at 8:23 AM, Millett, John <Millett.John@epa.gov> wrote:

Good Morning! Do we have a handy status and background doc on the CPP for the R4 RA?

Thanks!

Sent from my iPhone

Begin forwarded message:

From: "Grantham, Nancy" <Grantham.Nancy@epa.gov>

Date: August 29, 2017 at 8:01:29 AM EDT

To: "Millet, John" <Millet.John@epa.gov>

Subject: FW: Talking Points for CPP

For new ra in region 4 – what is the best thing to give him? Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: Lincoln, Larry

Sent: Tuesday, August 29, 2017 7:57 AM

To: Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: Talking Points

Nancy,

Does OPA have the latest HQ talking points for WOTUS and the Clean Power Plan?
Our new RA is asking for them in order to be well-versed as he travels.

Thanks,

Larry

Director

Office of External Affairs

U.S. Environmental Protection Agency, Region 4

Phone: (404) 562-8304

Email: lincoln.larry@epa.gov

<https://www.epa.gov/aboutepa/about-epa-region-4-southeast>

Follow Region 4 on Twitter: www.twitter.com/EPASoutheast

And Facebook: www.facebook.com/eparegion4

To: Evans, Wilma[Evans.Wilma@epa.gov]
Cc: Jenny Noonan[Noonan.Jenny@epa.gov]
From: Ashley, Jackie
Sent: Tue 11/7/2017 2:56:50 PM
Subject: Could you make 2 copies of these?
[SCRIPT-Hearing registration+FINAL 11-2.docx](#)
[QA-PublicHearing-CPPRepeal v3.docx](#)
[Short URLs-CPP repeal-FOR PHONE USE.DOCX](#)
[FS-Proposed-Repeal-CPP-FINAL Oct10.pdf](#)

Hi Wilma –

Could you please print out 2 copies of the following materials and place them in C405E and C405G?

Thank you

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

FACT SHEET

Proposal to Repeal the Clean Power Plan

Action

- On October 10, 2017, following a review as directed by President Trump’s Energy Independence Executive Order, the EPA proposed to repeal the Clean Power Plan (CPP).
- The CPP was premised on a novel and expansive view of agency authority that this Administration now proposes to determine is inconsistent with the Clean Air Act.
- Traditionally, EPA rules issued under Section 111 of the Clean Air Act were based on measures that could be applied to, for, and at a particular facility, also referred to as “inside the fence line” measures.
 - Before the CPP every single Section 111 rule on the books, including a handful of existing source rules and around 100 new-source rules, obeyed this limit.
- The proposed rule would return EPA’s actions to its understanding that the “best system of emission reduction” for a source should be based only on measures that can be applied to or at the source.
- EPA estimates that repealing the CPP could lead to up to \$33 billion dollars in avoided compliance costs in 2030.
- EPA will accept comment on the proposal for 60 days after publication in the Federal Register and will hold a public hearing if one is requested.

Regulatory Impact Analysis

- The Regulatory Impact Analysis (RIA) accompanying this proposed repeal both examines the previous administration’s cost-benefit analysis, as well as provides insights to support an updated analysis of the environmental, health and economic effects of the proposed repeal.
- This administration is presenting a wide range of analysis scenarios meant to address numerous concerns and uncertainties associated with the previous administration’s approach, including:
 - Comparing domestic costs to domestic benefits;
 - Focusing on the targeted pollutant and increasing transparency of “co-benefits” from reducing other pollutants; and
 - Treating energy efficiency as a benefit instead of an avoided cost, to show the true magnitude of the CPP's costs
- The RIA for the proposed repeal is available online at <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>.

Background

- The previous Administration issued the CPP on October 23, 2015.
- Soon after the rule was final, 150 entities including 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the CPP highlighting a range of legal and technical concerns.

- By December 1, 2015, a bipartisan majority of the United States Congress formally disapproved of the CPP pursuant to the Congressional Review Act.
- On February 9, 2016, the United States Supreme Court stayed the CPP immediately halting implementation. The Supreme Court had never before issued a stay to block the enforcement of a rule. On February 28, 2017, President Trump signed the Energy Independence Executive Order which called, among other things, for a review of the Clean Power Plan and, if appropriate, reconsideration proceedings to suspend, revise, or rescind the rule.
- On the same day, Administrator Pruitt signed a notice indicating EPA's intent to review and, if appropriate, to propose to revise or rescind the Clean Power Plan.
- The U.S. Court of Appeals for the D.C. Circuit has been holding Clean Power Plan litigation in abeyance since April 28, 2017.

How to Comment

- Comments on the proposed repeal should be identified by Docket ID No. EPA-HQ-OAR-2017-0355, and may be submitted by one of the following methods:
 - **Online:** Go to <https://www.regulations.gov> and follow the online instructions for submitting comments to Docket ID No. EPA-HQ-OAR-2017-0355.
 - **Email:** Comments may be sent to a-and-r-Docket@epa.gov. Include Docket ID No. EPA-HQ-OAR-2017-0355 in the subject line of the message.
 - **Fax:** Fax your comments to: (202) 566-9744. Attention Docket ID No. EPA-HQ-OAR-2017-0355
 - **Mail:** Environmental Protection Agency, EPA Docket Center (EPA/DC), Mail Code 28221T, Attention Docket ID No. EPA-HQ-OAR-2017-0355, 1200 Pennsylvania Avenue, NW, Washington, DC 20460
 - **Hand/Courier Delivery:** EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue, NW, Washington, DC 20004, Attention Docket ID No. EPA-HQ-OAR-2017-0355. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information
- For additional information, including the full EPA public comment policy, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

For more information

- A copy of the proposed rule and supporting documents are available on EPA's website at <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>.

To: Culligan, Kevin[Culligan.Kevin@epa.gov]; Hutson, Nick[Hutson.Nick@epa.gov]; Ashley, John[ashley.john@epa.gov]
Cc: Noonan, Jenny[Noonan.Jenny@epa.gov]
From: Ashley, Jackie
Sent: Mon 12/18/2017 11:12:05 PM
Subject: Re: FYI - EPA moves to replace Obama-era climate rule (EE News)

Just got word that it is signed. We are posting shortly.

Sent from my iPhone

On Dec 18, 2017, at 2:48 PM, Ashley, Jackie <Ashley.Jackie@epa.gov> wrote:

Just FYI –

EE news has posted a story about the ANPRM. We have not gotten confirmation yet that it's been signed. We will not post the website and fact sheet until we get word that it's signed. Thanks.

<https://www.eenews.net/stories/1060069311>

EPA moves to replace Obama-era climate rule

Robin Bravender, E&E News reporter

Climatewire: December 18, 2017 at 2:07 PM

U.S. EPA is taking comments for greenhouse gas regulations at power plants. U.S. EPA

U.S. EPA today is taking a first step toward potentially replacing the Obama administration's signature climate rule.

The agency released a [notice](#) asking the public for comment on what a replacement rule for Obama's Clean Power Plan should look like.

"EPA is considering proposing emission guidelines to limit greenhouse gas (GHG) emissions from existing electric utility generating units (EGUs) and is soliciting information on the proper respective roles of the state and federal governments in that process, as well as information on systems of emission reduction that are applicable at or to an existing EGU, information on compliance measures, and information on state planning requirements under the Clean Air Act (CAA)," says the notice released by EPA, known as an advance notice of proposed rulemaking.

The Trump administration has signaled that if it replaces the Clean Power Plan, it would do so with a

much narrower rule aimed at boosting the efficiency of specific plants, instead of the broader approach taken by the Obama administration.

Separately, EPA has proposed repealing the Clean Power Plan, which sought to cut power plants' greenhouse gas emissions 32 percent below 2005 levels by 2030.

Advertisement

"Consistent with our commitment to the rule of law, we've already set in motion an assessment of the previous administration's questionable legal basis in our proposed repeal of the Clean Power Plan. With a clean slate, we can now move forward to provide regulatory certainty," EPA Administrator Scott Pruitt said today in a statement.

"Today's move ensures adequate and early opportunity for public comment from all stakeholders about next steps the Agency might take to limit greenhouse gases from stationary sources, in a way that properly stays within the law, and the bounds of the authority provided to EPA by Congress," Pruitt added.

[Click here](#) to read EPA's notice.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 –
ashley.jackie@epa.gov

To: ITG Web Team[ITGWebTeam@epa.gov]
From: Ashley, Jackie
Sent: Mon 10/16/2017 3:24:54 PM
Subject: Update CPP w published version

The CPP proposed repeal published today. The link is - <https://www.gpo.gov/fdsys/pkg/FR-2017-10-16/pdf/2017-22349.pdf>

Please update these pages

-<https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan-0>

-<https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>

-- Under Rule History, update the **Proposed Repeal** date to 10/16/17

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

To: Mckelvey, Laura[Mckelvey.Laura@epa.gov]; Noonan, Jenny[Noonan.Jenny@epa.gov]; Culligan, Kevin[culligan.kevin@epa.gov]
Cc: Edwards, Chebryll[Edwards.Chebryll@epa.gov]; Husk, Martin[Husk.Martin@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]
From: Ashley, Jackie
Sent: Thur 10/19/2017 4:17:47 PM
Subject: RE: Laura --will OAR offer tribal consultation on the Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources:

Perhaps start with Kevin Culligan for SPPD. I've added him to this chain.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

From: Mckelvey, Laura
Sent: Thursday, October 19, 2017 12:12 PM
To: Noonan, Jenny <Noonan.Jenny@epa.gov>
Cc: Ashley, Jackie <Ashley.Jackie@epa.gov>; Edwards, Chebryll <Edwards.Chebryll@epa.gov>; Husk, Martin <Husk.Martin@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>
Subject: Re: Laura --will OAR offer tribal consultation on the Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources:

I don't mind setting it up but I don't know who to work with internally. If Pat does it we will do the work anyway.

Who's the project need and or technical experts to work with.

Sent from my iPhone

On Oct 19, 2017, at 12:05 PM, Noonan, Jenny <Noonan.Jenny@epa.gov> wrote:

Is this something Pat Childers could help with?

From: Mckelvey, Laura
Sent: Wednesday, October 18, 2017 2:40 PM

To: Noonan, Jenny <Noonan.Jenny@epa.gov>; Ashley, Jackie <Ashley.Jackie@epa.gov>; Edwards, Chebryll <Edwards.Chebryll@epa.gov>; Husk, Martin <Husk.Martin@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>
Subject: Fwd: Laura --will OAR offer tribal consultation on the Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources:

This is the third request I've gotten from them and I don't know how to respond. In the past we would have done an informational call and or offered consultation.

Please advise.

Sent from my iPhone

Begin forwarded message:

From: "Epps-Price, Lena" <Epps-Price.Lena@epa.gov>
Date: October 18, 2017 at 2:07:53 PM EDT
To: "Harris, Dona" <Harris.Dona@epa.gov>, "Mckelvey, Laura" <Mckelvey.Laura@epa.gov>, "Childers, Pat" <Childers.Pat@epa.gov>
Cc: "Wright, Felicia" <Wright.Felicia@epa.gov>
Subject: Laura --will OAR offer tribal consultation on the Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources:

Laura please see Donna's question about tribal consultation on the Repeal of the CPP.

From: Harris, Dona
Sent: Tuesday, October 17, 2017 1:53 PM
To: Mckelvey, Laura <Mckelvey.Laura@epa.gov>; Childers, Pat <Childers.Pat@epa.gov>
Cc: Epps-Price, Lena <Epps-Price.Lena@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>
Subject: RE: Please forward information on repeal of Clean Power Plan (CPP) --- Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources:

Will OAR offer tribal consultation on this?

Dona M. Harris
American Indian Environmental Office

Sr. Program Manager- Policy and Partnerships
Office of International and Tribal Affairs
wk(202) 564-6633
harris.dona@epa.gov

Partnering with Tribes to Make a Visible Difference

Find out more at www2.epa.gov/tribal

[<image002.jpg>](#) [<image004.jpg>](#)

The Dance of Life only requires steps that move our hearts. The direction of Life comes from whether we choose to move forward, stand still or stand in the past. Live your Dance. -
Unknown

From: Epps-Price, Lena
Sent: Tuesday, October 17, 2017 1:21 PM
To: EJ Coordinators <EJ_Coordinators@epa.gov>; EJ Coordinator Support <EJ_Coordinator_Support@epa.gov>
Subject: Please forward information on repeal of Clean Power Plan (CPP) --- Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources:

Please forward to the EJ communities and other stakeholders that the Clean Power Plan (CPP) withdrawal was published and the comment period is open. Thanks.

From: Mckelvey, Laura
Sent: Tuesday, October 17, 2017 1:04 PM
To: Chappell, Regina <Chappell.Regina@epa.gov>
Cc: OAQPS OID CTPG <OAQPS_OID_CTPG@epa.gov>
Subject: Re: Yesterday's Published Actions

Let's get the word out that the CPP withdrawal was published so the comment period is open.

Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources:

Electric Utility Generating Units, 48035-48049

<https://www.gpo.gov/fdsys/pkg/FR-2017-10-16/html/2017-22349.htm>

<https://www.gpo.gov/fdsys/pkg/FR-2017-10-16/pdf/2017-22349.pdf>

National Emission Standards for Hazardous Air Pollutants:
Nutritional Yeast Manufacturing Residual Risk and
Technology Review, 48156-48187

<https://www.gpo.gov/fdsys/pkg/FR-2017-10-16/html/2017-21937.htm>

<https://www.gpo.gov/fdsys/pkg/FR-2017-10-16/pdf/2017-21937.pdf>

To: Jenny Noonan[Noonan.Jenny@epa.gov]
From: Ashley, Jackie
Sent: Fri 8/25/2017 2:38:15 PM
Subject: CPP statement

In accordance with the directives contained in the President's Energy Independence Executive Order signed in late March, Administrator Pruitt issued notices indicating the agency's intent to review and, if appropriate, to propose to revise or rescind certain rules issued by the previous Administration, including the Clean Power Plan. EPA has now submitted a proposed review of the Clean Power Plan, after reviewing it pursuant to the Executive Order. Once the interagency review is complete, EPA will issue the proposal for public review and comment.

FWIW

The 2017 update to the unified agenda says this about the CPP

On April 4, 2017, the EPA announced it is reviewing the Clean Power Plan, found at 40 CFR part 60, subpart UUUU. This action proposes to withdraw the Clean Power Plan on grounds that it exceeds the statutory authority provided under section 111 of the Clean Air Act.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

To: Cortelyou-Lee, Jan[Cortelyou-Lee.Jan@epa.gov]; Bremer, Kristen[Bremer.Kristen@epa.gov]
Cc: DeLuca, Isabel[DeLuca.Isabel@epa.gov]
From: Ashley, Jackie
Sent: Thur 9/21/2017 6:38:53 PM
Subject: RE: talkers on Energy
4b. Clean Power Plan.docx

I don't have much on CPP – just the statement from when it went over to OMB and a background pager from hearing prep – attached in case it is useful.

- In accordance with the directives contained in the President's Energy Independence Executive Order signed in late March, Administrator Pruitt issued notices indicating the agency's intent to review and, if appropriate, to propose to revise or rescind certain rules issued by the previous Administration, including the Clean Power Plan.

- In June, EPA submitted a proposed review of the Clean Power Plan to the Office of Management and Budget, after reviewing it pursuant to the Executive Order.

- The proposal remains under review at OMB.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

From: Cortelyou-Lee, Jan
Sent: Thursday, September 21, 2017 2:23 PM
To: Bremer, Kristen <Bremer.Kristen@epa.gov>; Ashley, Jackie <Ashley.Jackie@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Fwd: talkers on Energy

Jackie/ Kristen - do you guys have something you can share with Isabel on CPP. Alison likely has the latest and greatest on oil and gas - but Kristen maybe you do too.

Sent from my iPhone

Begin forwarded message:

From: "DeLuca, Isabel" <DeLuca.Isabel@epa.gov>
Date: September 21, 2017 at 2:17:53 PM EDT
To: "Cortelyou-Lee, Jan" <Cortelyou-Lee.Jan@epa.gov>, "Davis, Alison" <Davis.Alison@epa.gov>
Subject: talkers on Energy

Hi Jan and Alison,

I've been out a bit, so apologies if John has already reached out to you, but OPA has asked for talkers on energy for Trey, who is attending a Southern States Energy Board meeting in SC next week. I'm looking for talkers we've used in CPP and oil and gas. I am pulling stuff off the web and from press releases & comms plans, but if you have developed talkers on these topics for anyone could you please share?

Thanks,
Isabel

Isabel DeLuca

Office of Air and Radiation, US EPA

(202) 343-9247

To: Culligan, Kevin[Culligan.Kevin@epa.gov]; Ashley, John[ashley.john@epa.gov]; Zenick, Elliott[Zenick.Elliott@epa.gov]; Hutson, Nick[Hutson.Nick@epa.gov]
Cc: Noonan, Jenny[Noonan.Jenny@epa.gov]; DeLuca, Isabel[DeLuca.Isabel@epa.gov]
From: Ashley, Jackie
Sent: Tue 11/7/2017 7:09:59 PM
Subject: RE: ANPRM - draft comms materials
[Comm Plan ANPRM EGU GHG 11-7-2017 DRAFT v2.docx](#)
[FS ANPRM EGU GHG 11-7-17 DRAFT v2.docx](#)

Done. Please see attached. Note that I updated both documents a good bit to rely more on the language in the latest version of the preamble.

OGC – please review and comment on these if you haven’t already started review. Please reply all if you have comments so that Isabel or I may incorporate them.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

From: Culligan, Kevin
Sent: Tuesday, November 07, 2017 12:50 PM
To: Ashley, John <ashley.john@epa.gov>; Ashley, Jackie <Ashley.Jackie@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Hutson, Nick <Hutson.Nick@epa.gov>
Cc: Noonan, Jenny <Noonan.Jenny@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: ANPRM - draft comms materials

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Ashley, John
Sent: Tuesday, November 07, 2017 11:42 AM
To: Ashley, Jackie <Ashley.Jackie@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Hutson, Nick <Hutson.Nick@epa.gov>
Cc: Noonan, Jenny <Noonan.Jenny@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: ANPRM - draft comms materials

I made a few suggested edits on the Comms Plan. The fact sheet looked good.

See attached.

From: Ashley, Jackie
Sent: Tuesday, November 07, 2017 11:04 AM
To: Zenick, Elliott <Zenick.Elliott@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Hutson, Nick <Hutson.Nick@epa.gov>; Ashley, John <ashley.john@epa.gov>
Cc: Noonan, Jenny <Noonan.Jenny@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: ANPRM - draft comms materials
Importance: High

SPPD and OGC –

Mandy would like to review the ANPRM communication materials today. I incorporated the few comments I received already. Please review ASAP if you're able and send comments to me.
Attached are the latest versions, updated to reflect announcement of CPP repeal public hearing.

Thanks.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

From: Ashley, Jackie
Sent: Monday, October 30, 2017 11:44 AM
To: Millett, John <Millett.John@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Hutson, Nick <Hutson.Nick@epa.gov>; Ashley, John <ashley.john@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>
Subject: RE: ANPRM - draft comms materials

Ex. 5 - Deliberative Process

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

From: Millett, John
Sent: Monday, October 30, 2017 11:28 AM
To: Ashley, Jackie <Ashley.Jackie@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Hutson, Nick <Hutson.Nick@epa.gov>; Ashley, John <ashley.john@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>
Subject: RE: ANPRM - draft comms materials

Thanks, Jackie – this looks good to me.

One question –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Ashley, Jackie

Sent: Friday, October 27, 2017 3:36 PM

To: Zenick, Elliott <Zenick.Elliott@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>

Cc: Hutson, Nick <Hutson.Nick@epa.gov>; Ashley, John <ashley.john@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>

Subject: ANPRM - draft comms materials

OGC, OAR IO, and OAQPS -

Attached for your review are drafts of communication materials to support the ANPRM on State Guidelines for Greenhouse Gas Emissions from Existing Power Plants. They include:

- Communications Plan on ANPRM
 - Includes language for a draft press release, brief Q&A
- Fact Sheet on Proposed ANPRM

Please review at your convenience and send any comments to Isabel DeLuca and me.

Thank you and let me know if you have questions.

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

To: Bryson, Joe[Bryson.Joe@epa.gov]
From: Macpherson, Alex
Sent: Thur 8/24/2017 8:43:43 PM
Subject: RE: Quick turnaround -- question or two

Awaiting the expert advice of my team!



From: Bryson, Joe
Sent: Thursday, August 24, 2017 4:40 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: Quick turnaround -- question or two

Seems like you could have started all this work months ago – what have you been doing?

(*joke*)

From: Macpherson, Alex
Sent: Thursday, August 24, 2017 4:31 PM
To: Bryson, Joe <Bryson.Joe@epa.gov>
Subject: RE: Quick turnaround -- question or two

Yes, Carolyn is included. I think it's more a placeholder in case there are unresolved issues, and hopefully there will be none.

From: Bryson, Joe
Sent: Thursday, August 24, 2017 4:27 PM
To: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: Quick turnaround -- question or two

Are we (as in me) likely to be part of OAR/OP staff call at 2pm?

Whether I'm include or not, I assume my boss, Div. Dir. Carolyn Snyder would be invited to that call?

Gracias!

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

From: Macpherson, Alex

Sent: Thursday, August 24, 2017 4:19 PM

To: Keaveny, Brian <Keaveny.Brian@epa.gov>; Eschmann, Erich <Eschmann.Erich@epa.gov>; Adamantiades, Mikhail <Adamantiades.Mikhail@epa.gov>; Bryson, Joe <Bryson.Joe@epa.gov>; Shouse, Kate <Shouse.Kate@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Evans, DavidA <Evans.DavidA@epa.gov>; Fann, Neal <Fann.Neal@epa.gov>

Cc: Kamal, Ali <Kamal.Ali@epa.gov>

Subject: Quick turnaround

Importance: High

Team,

Resulting from a discussion between EPA and OMB earlier today, we need to produce a timeline for producing a new CPP repeal RIA that contains new power sector modeling.

This timeline needs to be completed by cob tomorrow (Friday 8/25). We will produce this timeline and send to OAQPS management before an OAR/OP career staff manager meeting which will likely be scheduled for 2 pm Friday afternoon.

I will set up meeting for first thing Friday morning...not the best of timing, obviously, but this is not negotiable.

More details in the morning....thanks all and talk to you soon

Alex

To: Snyder, Carolyn[Snyder.Carolyn@epa.gov]; Moss, Jacob[Moss.Jacob@epa.gov]
Cc: Conlin, Beth[Conlin.Beth@epa.gov]
From: Bryson, Joe
Sent: Tue 6/6/2017 7:16:03 PM
Subject: OIRA "Dashboard" Page

In case you're interested, this is where they track "Regulatory Actions Currently Under Review" by OIRA.

You need to scroll ~3/4s of the way to bottom to get to EPA list. No CPP repeal shown as of right now.

<https://www.reginfo.gov/public/jsp/EO/eoDashboard.jsp>

This is the limited info they show for each rule:

AGENCY: EPA-OAR	RIN: <u>2060-AT04</u>	Status: <u>Pending Review</u>
TITLE: Renewable Fuel Volume Standards for 2018 and Biomass Based Diesel Volume (BBD) for 2019		
STAGE: Proposed Rule	ECONOMICALLY SIGNIFICANT: Yes	
RECEIVED DATE: 05/11/2017	LEGAL DEADLINE: None	

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

To: Agan, John[John.Agan@Hq.Doe.Gov]
From: Bryson, Joe
Sent: Fri 1/19/2018 6:54:45 PM
Subject: FW: A few follow-up items -- E3 doc on DER and RE integration, DOE Electric Tech characterization, and Wehrum interview

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

From: Bryson, Joe
Sent: Friday, January 19, 2018 1:06 PM
To: Maggie Molina <mmolina@aceee.org>
Subject: A few follow-up items -- E3 doc on DER and RE integration, DOE Electric Tech characterization, and Wehrum interview

Hey Maggie,

Thought these all might be of some interest:

- E3 doc on DER and RE integration,
- DOE Electric Tech characterization, and
- Wehrum interview re priorities for air regs

E3 has lots of interesting work on DR, electrification, carbon, EVs, etc. Mostly west coast – CA and WA/NW:

<https://www.ethree.com/publication/>

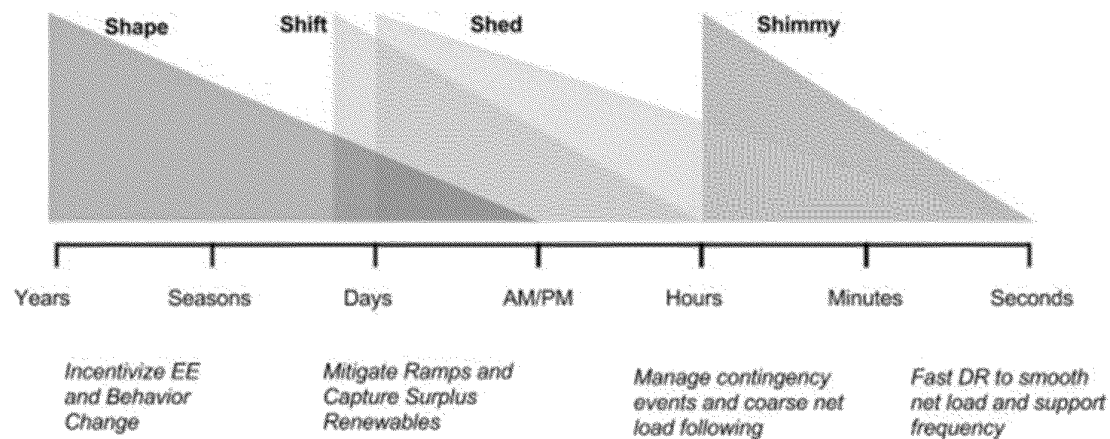
<https://www.ethree.com/projects/>

This is report and ppt of their 2025 DR potential for CA work (2017)

<http://www.cpuc.ca.gov/WorkArea/DownloadAsset.aspx?id=6442452698>

<http://www.cpuc.ca.gov/WorkArea/DownloadAsset.aspx?id=6442453085>

Several great tables and I particularly liked this graphic .. shows that EE/behavior's role is to "shape" demand and occurs mostly over years and to lesser extent much shorter lead times. I like their categories of DR (broadly defined) of Shape, Shift, Shed, and Shimmy.



Here's one of first products that's come out of DOE/EERE's (Paul Donohoo-Vallet is lead, works for Steve Capanna) multi year Electrification Future's Study:

Electrification technology report: <https://www.nrel.gov/docs/fy18osti/70485.pdf>

The demand-side electrification scenarios (I think out to 2050, same as the tech report) done using Pathways by E3 offshoot (Evolved Energy Resources) is due out in April this year.

Lastly, in case of interest, here's very good recent interview w/ new AA for EPA Air, Bill Wehrum, laying out his 2018 priorities for air regs. Please forward to Sara if you think of interest.

Transcript Of Jan. 11 Interview With EPA Air Chief Bill Wehrum

January 11, 2018

Newly confirmed EPA air chief Bill Wehrum sat down to speak with *Inside EPA* about his plans for the Office of Air and Radiation (OAR) and started off discussing his ambitious plan to repeal and replace the Clean Power Plan (CPP) utility sector greenhouse gas rule before the end of the year. EPA the same day announced three new listening sessions and a public comment period extension until nearly the end of April on its proposed CPP repeal.

What follows is a transcript of that interview, edited for clarity:

Inside EPA: And then you'll have a lot of comment and testimony to go through. And Scott Pruitt has said final rule by the fall. Is that actually doable?

Wehrum: Yes. Now remember we have two things going on here. So we have the proposed rescission on what these listening sessions are for. And then we have the [advance notice of proposed rulemaking (ANPR)] on a possible replacement. So no final decision has been made about what we're going to do, so what we've done is created a range of possible outcomes, anchored on one end by rescission but also reopen the possibility of doing something different.

Inside EPA: I thought the administrator has said there will be a replacement, but no? That's not decided?

Wehrum: No. What we are working diligently on is what a replacement might look like, and the ANPR is a key part of that.

Inside EPA: So it is still possible you could go through the ANPR process and decide you are not going to replace?

Wehrum: Yes, it's possible. It's within the range of possible outcomes. But what is important to say is we are actively considering the full range. So the administrator proposed rescission because he meant it, but we also have put the ANPR out on replacement because we mean that, so we create a range of possible outcomes, one of which is a replacement rule that looks different and probably more limited than what's in place now in the current CPP. But we'll look at the possibility of rescinding and doing nothing more. So that's why it is important to get public comment, that's why we decided to do additional listening sessions because it's a really important issue. And we've received a lot of good input so far through the process, but part of the input we received is people want additional opportunity, not just submitting public comment, but speaking on the record, so that's why the administrator decided to do three additional listening sessions.

Inside EPA: What is the timing on next steps for the ANPR?

Wehrum: Well, if we decide to continue on the track with possible replacement, then we would have to work diligently on a proposed replacement rule because to take final action by the end of the year, which the administration has said he wants to do, some final action, and I of course 100 percent fully support that. Then if we, you know, really want to keep the possibility of replacement in play we're going to have to put a proposal out mid year. So I again can tell you we're looking very hard at possible replacement, we're doing work on that. We'll take a look at the comments we receive on the ANPR, and it is possible if not likely that the next thing you see is some sort of proposed replacement. And then again that doesn't make a final decision because we'll have a proposed rescission and a proposed replacement out there. And then you know as the year progresses the administrator and administration have to make a decision about what they want to do.

Inside EPA: If decision is to go forward with proposed replacement, does that then foreclose a repeal of the endangerment finding?

Wehrum: No. So [when] the administrator thinks about these the endangerment issue and the CPP rulemaking, he thinks about them on two separate tracks. And in the CPP world what we want to do is make good, solid decisions about whether to do a replacement and if so what that looks like. . . . The administrator also firmly believes the science underlying the endangerment finding -- the process that EPA used to make the determination that's reflected in the endangerment finding -- he believes that process was flawed. And he believes it was flawed because a full range of opinions on the climate science were not allowed to be expressed and to the degree they were expressed, the full range of opinions were not given serious consideration when the endangerment finding was made. The administrator firmly believes that at a minimum he would like to provide an opportunity for those who did not feel they had a voice in the prior process to have a voice.

Inside EPA: Let's go down the road a little bit. Hypothetically, you're moving forward with a proposed CPP replacement, you're moving forward with a red team/blue team look at climate science and if you take those to their logical conclusions and you have a final CPP replacement, how then do you move forward with an endangerment finding repeal, [because] you couldn't have a CPP without [a finding]?

Wehrum: So far we haven't said repeal in the conversations about endangerment finding. So far I've talked about process. And so the administrator's first objective is to provide an opportunity for a complete process, a process focused on the full presentation and vetting of the climate science, and if we are able to create a process -- whether you call it red team/blue team, or ANPR, or by whatever mechanism by which that's done -- then you get to the point of deciding what if anything you want to do with what you've heard as a result of that process, or what we've heard.

Inside EPA: So it is possible they move forward concurrently?

Wehrum: Sure. Absolutely. And you only get to a connection if as a result of, if we engage in a process of vetting climate science, and if as a result of that process we are convinced that a different conclusion should be reached. That's when you need to think about what does that mean in the context of rules that depend on the endangerment finding, and the CPP is one of those rules. So we're a long way from being there, and we're not talking about that now. To the degree we're talking about endangerment, we're talking about . . . we need to create a process to allow for this more fulsome review.

Inside EPA: What are the plans for the new source side of the CPP?

Wehrum: That's funny. It's just a personal thing. When I talk about the CPP I am thinking about the whole suite of rules. I realize the prior administration coined that term to talk about just the existing source piece, so it's just a personal failure of mine to think a little more expansively when that term comes up. The answer is the new source rule, we will take a look at in conjunction with looking at the existing source rule. So the 111(b) as in boy rule, which is the new source rule, the modification rule and the reconstruction rule. We'll certainly take a look at those in conjunction with the review of the existing source rule.

Inside EPA: So at the same time then. Are you getting comments on the 111(b) part of it at all?

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Inside EPA: Aside from the technical piece of the 'b' rule, it also is a prerequisite for a 'd' rulemaking.

Wehrum: Oh yes, absolutely.

Inside EPA: Where would that fall in the grand scheme of things? You have a proposed rescission and an ANPR all on 'd'. Where does 'b' fall in?

Wehrum: I'm not sure I fully understand the question but I'll take a whack at it. The 'b' rule exists to the degree it needs to exist as a predicate for the 'd' rule. It exists. And then what I'm saying is because it exists, we need to take a look at it because there are certain aspects to the 'b' rule that I don't necessarily agree with, like partial CCS is part of

the BSER.

Inside EPA: That is separate litigation that . . . is stayed I think.

Wehrum: I'm not talking about litigation. That's recusal for me. So I can talk about general rules for any of this. I don't want to talk about litigation.

Inside EPA: Another question I want to ask you is what are you recused from, given your past work over the last eight years?

Wehrum: Certainly litigation that I was personally involved in or litigation that [his former firm] Hunton & Williams attorneys were counsel of record, and that is certainly the case for the CPP rule and the new source rules. My former client [Utility Air Regulation Group (UARG)] is a petitioner in all of that.

Inside EPA: But just the litigation side. You can separate litigation from the policy piece?

Wehrum: Yes. . . . On recusal I have worked very, very closely with our ethics office and take very seriously -- I said this in response to congressional questions I had during the confirmation process. That's a very political process. I want to emphasize, and I hope you can communicate this: I take really, really seriously and I worked very closely with the ethics office here at EPA to understand exactly where the lines exist and to make sure I absolutely don't cross those lines.

Inside EPA: Is there an ethics agreement you can release?

Wehrum: Yes. It's been requested and it will be released. And so I do have an ethics agreement.

Inside EPA: Someone asked through [Freedom of Information Act (FOIA)] request for it?

Wehrum: I'm not sure it was through FOIA. It is a public document and it will be made public. I don't control that. It will be made available.

Inside EPA: I have two related questions and I'm going to ask both and you can answer how you like. What's been going on so far is rolling back a lot of things that have been done, in the air office, the water office, a lot of power plant climate kinds of things, right? And which is something as, coming in Scott Pruitt has a reputation challenging EPA. The administration wants to cut the budget significantly. And I would like to ask, how do you see your role? [Some people were] so excited for you to get here. Do you see your role as more of a moderating force or as an executor of that agenda?

Wehrum: Laughs.

Inside EPA: I am serious.

Wehrum: Executor? Executor? I am very excited to be here. I am thrilled to have the opportunity, and it's a rare honor and opportunity to do this, and so that is not lost on me by any stretch. . . . It's a privilege to be here. . . . I'm going to do the best job I can. My general philosophy is I'm looking ahead. I'm not looking backwards. I don't think my job is to come in and dismantle a bunch of stuff. My job is to come in and implement our programs as best we can implement our programs. And what I think is best is different from what the prior administration thought was best, and there will be some changes. But it's not because I am trying to come in and unwind everything. It's because I want to put the best program in place.

So I have six things. At the beginning of the new year I vetted them with the administrator, I talked with the administration, and now I'm rolling out within OAR the six biggest things I want to get done, frankly over the next year if at all possible. And by way of additional introduction, there's a million other things that happen in OAR and that doesn't mean we're going to ignore them. But there's certain key things I want to get done around here and thinking [about] the priority of my organization.

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4 -- The methane rulemaking

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And that's not in order of priority. I have no favorite children here. They're all a top priority. So this is in response to -- to give you a sense of how I'm thinking about what I think are the biggest issues and how I will be managing them. It is also in response to your question about whether am I over here to unwind.

Most of the things on the list the Obama administration took some action on, so they're not on the list because my job is to unwind all that. They're on the list because I want to look ahead and figure out what's the best thing to be done.

So we talked about CPP. What's the best thing to be done and we've laid out a range of options from repeal to replace the existing rule, and we talked about the new source piece. So CPP as a priority, that's more specific to what I mean by that.

On MATS, the rule is in place and we have the appropriate and necessary determination made by the prior administration regarding the Supreme Court remand. But the litigation has been stayed and the administrator has said take a hard look at the appropriate and necessary determination. So when I think about MATS, it's two primary pieces.

What do we do on the appropriate and necessary determination? And to the degree we decide to stay the course with the rule, then there are things we need to do there, fixes. I mean with any big and complex rule there are fixes that need to be made. If we keep the rule in place, I'd like to think about doing RTR, residual risk and technology review, for that rule. And there's some more narrow but important things like the coal refuse industry has had an outstanding concern about how it applies to them. So there's a cluster of issues in MATS and exactly where we go, there's the threshold question about where we want to go.

The 2015 ozone standard, the administrator says he wants to take a hard look at it, and the litigation has been stayed as a result.

Inside EPA: What do you tell states now? What do they do?

Wehrum: Well at the same time we're going through the designations process, the standard is in place. [The legal challenge] has been stayed. Unless we decide to change or rescind, it's a currently applicable [national ambient air quality standard (NAAQS)], so at least for now the implementation process continues.

And so we're going to take a hard look at 2015 NAAQS and one possibility is we decide it needs to be revised or rescinded. That is just a possibility. I have a lot to learn about the science behind the 2015 standard, and I have already started a series of briefings to try to get my arms around that science so I can advise the administrator on my recommendation to what I think we should do.

Inside EPA: When?

Wehrum: Very soon because, again, anything I want to do on any of these top priorities, I want to get done this year because we are already a year into the administration even though I haven't been there that long.

Inside EPA: I'd like to skip ahead in case we run out of time to the vehicle standards. *Reuters* reported on a meeting you had with California in December and you said you hoped whatever EPA does, California would follow. Do you really think if EPA relaxes the standard that California would do that too, given what California has said and the fact

that California is moving forward on the next round?

Wehrum: So let's take a step back. It's a priority for us and it's a priority for the industry and it's a priority for people who care about these issues to, as much as possible, have one national standard. We can live in a world, you know, a two-car world but that's not ideal. So yes it's a priority for us to have one program and . . . necessarily that means we'd want to remain aligned with California and with our federal partners. We've already had a long series of conversations with [the National Highway Traffic Safety Administration (NHTSA)] and we're going to continue to work very closely going forward. We've had a few conversation with [the California Air Resources Board (CARB)] and we want them to be very frank conversations, so we've all agreed we're not going to share our deliberations and I'm not going to tell you the details of that. But the purpose of that conversation is to stay together, and if we can I'd very much like to stay together.

You have asked if we decide the standards need to be revised and perhaps less stringent do I think California could go along with that? And my answer is, I hope they would because if that's our decision it is a decision that has to be grounded in solid technical analysis and our best assessment of what's happening in the industry now, and what we think can reasonably happen over the period that we're planning, which is through 2025. So we're doing very detailed technical analysis as part of the administrator's commitment to reconsider the mid-term review. And once we are all comfortable internally within the federal family with the analysis we've done, at a point hopefully sometime soon we'll share what we think we know with the state of California. And if we think there's a solid case to make an adjustment, then I would certainly hope they would share our view of data and agree that's the right thing to do and stay together.

So I think it's a distinct possibility, and we're going to do our best to make a good decision in the first sense and do our best to try to keep the program together.

Inside EPA: Do you have any sense at this point, would it be a major revision or a minor revision?

Wehrum: I honestly don't have a sense.

Inside EPA: Because what I've heard from some of the auto guys is they don't want this blown up and they think they got a little over ambitious in what they're asking for and maybe they unleashed this thing that they would like to pull back a little bit.

Wehrum: Nobody's unleashed anything. We're all talking. We're talking with the auto industry, we're talking with California, we're talking amongst ourselves, I would talk with interested [non-governmental organizations (NGOs)] if they were interested in talking with me. I know there's a lot of third-party interest. Nobody from that community has asked to talk to me.

Inside EPA: You would meet with them?

Wehrum: Yes I'd be happy to talk to them.

Inside EPA: Will you release your schedule?

Wehrum: Yes. And again I don't completely control that because what we do for me needs to be consistent with the administrator and the other [assistant administrators (AAs)]. . . . So I made a commitment during the confirmation process, I was asked to share my schedule and I said yes, absolutely. It's public record. So how that gets done and how soon it gets done, it will not be immediately. There will be some time lag and some coordination to be done.

Inside EPA: Can you [discuss] NSR quickly? You have said you want to make piecemeal changes rather than broad reform.

Wehrum: NSR. This is an issue that's near and dear to my heart. I've done a lot of practice in this area outside of EPA and spent a lot of my time previously in my prior time at EPA on NSR reform. So I come back to EPA with a couple of distinct things in mind. One is there is obvious opportunity for additional improvement to this program. It's big, it's complicated, it's been around for a long time and it can be better, so I want to make it better. Second thing I come to is we did NSR reform in a big way last time. Flagship rules. Major regulatory efforts. And this time around . . . I want to make significant improvement in this program, but I want to do it in a different way, and the way I want to do

it is by focusing on narrower, more discrete issues that are easier to deal with individually and allow us to deal with more quickly than a major rulemaking.

And if we can accomplish a series of targeted changes over time, and we can look back at over time and say that series results in significant improvement to the program, not that any individual piece represents significant improvement but a series of those things combined will have made a big improvement.

Inside EPA: And you'll do this through rules and guidance?

Wehrum: Yes. Last time I came in thinking anything worth doing should be done through regulation. I know I'm a little bit older, I'd like to think I'm a little bit wiser, and what I've come to realize is sometimes the best and easiest thing to do is issue a guidance document or an applicability determination and maybe what we do is follow it up with a targeted rulemaking. But there is a need, not just for certainty -- which is the value of putting all this in a regulation, it makes it as certain as it can be -- but also a need and a value for expeditious resolution of issues. And rulemaking takes time. So what I'm going to try to do is get a better balance between locking this in in the most clear and certain way that we can, and not taking too much time to do this.

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To: Agan, John[John.Agan@Hq.Doe.Gov]
From: Bryson, Joe
Sent: Fri 1/19/2018 5:40:12 PM
Subject: ICYMI -- excellent interview w Wehrum about his regulatory priorities, etc.

This is very consistent w/ direction he's given career staff.

Here's this in case of interest. Very clear and detailed and consistent w/ our marching orders on air regulatory work.

<https://insideepa.com/interview/transcript-jan-11-interview-epa-air-chief-bill-wehrum>

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

Transcript Of Jan. 11 Interview With EPA Air Chief Bill Wehrum

January 11, 2018

Newly confirmed EPA air chief Bill Wehrum sat down to speak with *Inside EPA* about his plans for the Office of Air and Radiation (OAR) and started off discussing his ambitious plan to repeal and replace the Clean Power Plan (CPP) utility sector greenhouse gas rule before the end of the year. EPA the same day announced three new listening sessions and a public comment period extension until nearly the end of April on its proposed CPP repeal.

What follows is a transcript of that interview, edited for clarity:

Inside EPA: And then you'll have a lot of comment and testimony to go through. And Scott Pruitt has said final rule by the fall. Is that actually doable?

Wehrum: Yes. Now remember we have two things going on here. So we have the proposed rescission on what these listening sessions are for. And then we have the [advance notice of proposed rulemaking (ANPR)] on a possible replacement. So no final decision has been made about what we're going to do, so what we've done is created a range of possible outcomes, anchored on one end by rescission but also reopen the possibility of doing something different.

Inside EPA: I thought the administrator has said there will be a replacement, but no? That's not decided?

Wehrum: No. What we are working diligently on is what a replacement might look like, and the ANPR is a key part of that.

Inside EPA: So it is still possible you could go through the ANPR process and decide you are not going to replace?

Wehrum: Yes, it's possible. It's within the range of possible outcomes. But what is important to say is we are actively considering the full range. So the administrator proposed rescission because he meant it, but we also have put the ANPR out on replacement because we mean that, so we create a range of possible outcomes, one of which is a replacement rule that looks different and probably more limited than what's in place now in the current CPP. But we'll look at the possibility of rescinding and doing nothing more. So that's why it is important to get public comment, that's why we decided to do additional listening sessions because it's a really important issue. And we've received a lot of good input so far through the process, but part of the input we received is people want additional opportunity, not just submitting public comment, but speaking on the record, so that's why the administrator decided to do three additional listening sessions.

Inside EPA: What is the timing on next steps for the ANPR?

Wehrum: Well, if we decide to continue on the track with possible replacement, then we would have to work diligently on a proposed replacement rule because to take final action by the end of the year, which the administration has said he wants to do, some final action, and I of course 100 percent fully support that. Then if we, you know, really want to keep the possibility of replacement in play we're going to have to put a proposal out mid year. So I again can tell you we're looking very hard at possible replacement, we're doing work on that. We'll take a look at the comments we receive on the ANPR, and it is possible if not likely that the next thing you see is some sort of proposed replacement. And then again that doesn't make a final decision because we'll have a proposed rescission and a proposed replacement out there. And then you know as the year progresses the administrator and administration have to make a decision about what they want to do.

Inside EPA: If decision is to go forward with proposed replacement, does that then foreclose a repeal of the endangerment finding?

Wehrum: No. So [when] the administrator thinks about these the endangerment issue and the CPP rulemaking, he thinks about them on two separate tracks. And in the CPP world what we want to do is make good, solid decisions about whether to do a replacement and if so what that looks like. . . . The administrator also firmly believes the science underlying the endangerment finding -- the process that EPA used to make the determination that's reflected in the endangerment finding -- he believes that process was flawed. And he believes it was flawed because a full range of opinions on the climate science were not allowed to be expressed and to the degree they were expressed, the full range of opinions were not given serious consideration when the endangerment finding was made. The administrator firmly believes that at a minimum he would like to provide an opportunity for those who did not feel they had a voice in the prior process to have a voice.

Inside EPA: Let's go down the road a little bit. Hypothetically, you're moving forward with a proposed CPP replacement, you're moving forward with a red team/blue team look at climate science and if you take those to their logical conclusions and you have a final CPP replacement, how then do you move forward with an endangerment finding repeal, [because] you couldn't have a CPP without [a finding]?

Wehrum: So far we haven't said repeal in the conversations about endangerment finding. So far I've talked about process. And so the administrator's first objective is to provide an opportunity for a complete process, a process focused on the full presentation and vetting of the climate science, and if we are able to create a process -- whether you call it red team/blue team, or ANPR, or by whatever mechanism by which that's done -- then you get to the point of deciding what if anything you want to do with what you've heard as a result of that process, or what we've heard.

Inside EPA: So it is possible they move forward concurrently?

Wehrum: Sure. Absolutely. And you only get to a connection if as a result of, if we engage in a process of vetting climate science, and if as a result of that process we are convinced that a different conclusion should be reached. That's when you need to think about what does that mean in the context of rules that depend on the endangerment finding, and the CPP is one of those rules. So we're a long way from being there, and we're not talking about that now. To the degree we're talking about endangerment, we're talking about . . . we need to create a process to allow for this more fulsome review.

Inside EPA: What are the plans for the new source side of the CPP?

Wehrum: That's funny. It's just a personal thing. When I talk about the CPP I am thinking about the whole suite of rules. I realize the prior administration coined that term to talk about just the existing source piece, so it's just a personal failure of mine to think a little more expansively when that term comes up. The answer is the new source rule, we will take a look at in conjunction with looking at the existing source rule. So the 111(b) as in boy rule, which is the new source rule, the modification rule and the reconstruction rule. We'll certainly take a look at those in conjunction with the review of the existing source rule.

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Wehrum: Executor? Executor? I am very excited to be here. I am thrilled to have the opportunity, and it's a rare honor and opportunity to do this, and so that is not lost on me by any stretch. . . . It's a privilege to be here. . . . I'm going to do the best job I can. My general philosophy is I'm looking ahead. I'm not looking backwards. I don't think my job is to come in and dismantle a bunch of stuff. My job is to come in and implement our programs as best we can implement our programs. And what I think is best is different from what the prior administration thought was best, and there will be some changes. But it's not because I am trying to come in and unwind everything. It's because I want to put the best program in place.

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Inside EPA: Can you [discuss] NSR quickly? You have said you want to make piecemeal changes rather than broad reform.

Wehrum: NSR. This is an issue that's near and dear to my heart. I've done a lot of practice in this area outside of EPA and spent a lot of my time previously in my prior time at EPA on NSR reform. So I come back to EPA with a couple of distinct things in mind. One is there is obvious opportunity for additional improvement to this program. It's big, it's complicated, it's been around for a long time and it can be better, so I want to make it better. Second thing I come to is we did NSR reform in a big way last time. Flagship rules. Major regulatory efforts. And this time around . . . I want to make significant improvement in this program, but I want to do it in a different way, and the way I want to do it is by focusing on narrower, more discrete issues that are easier to deal with individually and allow us to deal with more quickly than a major rulemaking.

And if we can accomplish a series of targeted changes over time, and we can look back at over time and say that series results in significant improvement to the program, not that any individual piece represents significant improvement but a series of those things combined will have made a big improvement.

Inside EPA: And you'll do this through rules and guidance?

Wehrum: Yes. Last time I came in thinking anything worth doing should be done through regulation. I know I'm a little bit older, I'd like to think I'm a little bit wiser, and what I've come to realize is sometimes the best and easiest thing to do is issue a guidance document or an applicability determination and maybe what we do is follow it up with a targeted rulemaking. But there is a need, not just for certainty -- which is the value of putting all this in a regulation, it makes it as certain as it can be -- but also a need and a value for expeditious resolution of issues. And rulemaking takes time. So what I'm going to try to do is get a better balance between locking this in in the most clear and certain way that we can, and not taking too much time to do this.

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To: Eschmann, Erich[Eschmann.Erich@epa.gov]; Macpherson, Alex[Macpherson.Alex@epa.gov]
From: Bryson, Joe
Sent: Thur 9/7/2017 7:17:02 PM
Subject: FW: EPA projects fall proposal to repeal Clean Power Plan

"fall of 2017" ... so DEFINITELY has to be done by Dec. 20th!

joke

From: POLITICO Pro Energy Whiteboard [mailto:politicoemail@politicopro.com]
Sent: Thursday, September 07, 2017 3:03 PM
To: Bryson, Joe <Bryson.Joe@epa.gov>
Subject: EPA projects fall proposal to repeal Clean Power Plan

By Alex Guillén

09/07/2017 02:59 PM EDT

EPA Administrator Scott Pruitt expects to sign the proposal to repeal the Clean Power Plan "in the fall of 2017," the agency said in a [court filing](#) today.

The filing offered no other details on the Trump administration's plan to repeal the rule, which has been under review at the White House Office of Management and Budget since June 8.

EPA added that the CPP repeal's classification as a "long term action" in the July update to the Unified Agenda was inadvertent. Environmental groups had seized on that classification, which indicates rules will not progress within the following 12 months, to [argue](#) that the D.C. Circuit Court of Appeals should issue its ruling on the Clean Power Plan rather than keep the lawsuit suspended indefinitely.

EPA said it will correct the classification error in the next edition of the Unified Agenda.

WHAT'S NEXT: The repeal proposal will most likely be released within the next few months.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/09/epa-projects-fall-proposal-to-repeal-clean-power-plan-092602>

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This email was sent to bryson.joe@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington,
VA, 22209, USA

To: Joe BrysonHome[josephbryson@me.com]
From: Bryson, Joe
Sent: Wed 5/24/2017 11:16:01 PM
Subject: Fwd: Draft
[EE Uncertainty DRAFT 5-23-17.docx](#)
[ATT00001.htm](#)
[CPP Repeal RIA - EE Outline Language and Notes May 19 2017pm.docx](#)
[ATT00002.htm](#)

Sent from my iPhone

Begin forwarded message:

From: "Conlin, Beth" <Conlin.Beth@epa.gov>
Date: May 24, 2017 at 4:53:08 PM EDT
To: "Snyder, Carolyn" <Snyder.Carolyn@epa.gov>
Cc: "Bryson, Joe" <Bryson.Joe@epa.gov>, "Dietsch, Nikolaas" <Dietsch.Nikolaas@epa.gov>
Subject: Draft

Here's a draft for your review, going to drop this into the Sharepoint draft in the next half hour or so. It's my section only. Also attaching Joe's doc for reference, and in the file I have include the list of his suggestions that I did not include. He was assuming this would be 3-5 pages, but 1-2 seems to be more appropriate.

If you want to get me comments tonight, there is a chance I'll take a look at them. I'll be reviewing the rest of the RIA draft as well.

Thanks!

Beth Conlin
Climate Protection Partnerships Division
Environmental Protection Agency
202-343-9172

To: Adamantiades, Mikhail[Adamantiades.Mikhail@epa.gov]; Stenhouse, Jeb[Stenhouse.Jeb@epa.gov]
From: Bryson, Joe
Sent: Fri 7/14/2017 1:22:10 PM
Subject: RE: time to chat tomorrow, Friday, about CPP analysis?

OK.

See you at 11 in Jeb's suite.

From: Adamantiades, Mikhail
Sent: Friday, July 14, 2017 9:19 AM
To: Bryson, Joe <Bryson.Joe@epa.gov>; Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>
Subject: RE: time to chat tomorrow, Friday, about CPP analysis?

Lets do 11 am better, my conflict can be moved.

From: Bryson, Joe
Sent: Friday, July 14, 2017 8:41 AM
To: Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>
Cc: Adamantiades, Mikhail <Adamantiades.Mikhail@epa.gov>
Subject: RE: time to chat tomorrow, Friday, about CPP analysis?

Moved it to 12:30 ... just in case we need the time.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

From: Stenhouse, Jeb
Sent: Friday, July 14, 2017 8:27 AM
To: Bryson, Joe <Bryson.Joe@epa.gov>
Cc: Adamantiades, Mikhail <Adamantiades.Mikhail@epa.gov>
Subject: Re: time to chat tomorrow, Friday, about CPP analysis?

That would work for me too.

On Jul 14, 2017, at 8:25 AM, Bryson, Joe <Bryson.Joe@epa.gov> wrote:

Great. Thanks.

I see Misha has a conflict starting at 11:30.

If we don't want to be rushed, let me know, and I can move this back to a 12 or 1230 start time.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

From: Stenhouse, Jeb
Sent: Friday, July 14, 2017 6:15 AM

To: Bryson, Joe <Bryson.Joe@epa.gov>
Cc: Adamantiades, Mikhail <Adamantiades.Mikhail@epa.gov>
Subject: Re: time to chat tomorrow, Friday, about CPP analysis?

Works for me, and good idea!

On Jul 13, 2017, at 5:19 PM, Bryson, Joe <Bryson.Joe@epa.gov> wrote:

Hey Guys,

Carolyn just brought me some news from Reid re likelihood of near-term need for revisiting/updating CPP repeal proposal analysis.

I've given a little thought to the EE aspects, which, regardless of how we approach this, can have a substantial effect on the #s.

Could the 3 of us get together for an initial chat about this tomorrow at 11-1130am? I'll send you and invite. Can push it back to 12 or 1pm start if you prefer.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

To: Conlin, Beth[Conlin.Beth@epa.gov]; Dietsch, Nikolaas[Dietsch.Nikolaas@epa.gov]
Cc: Snyder, Carolyn[Snyder.Carolyn@epa.gov]
From: Bryson, Joe
Sent: Fri 5/19/2017 10:03:12 PM
Subject: EE Uncertainties and CPP
[CPP Repeal RIA - EE Outline Language and Notes May 19 2017pm.docx](#)

Beth/Niko,

See attached for dump of my thinking.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I've left a stack of related files on Beth's chair – mostly just hard copies of the key documents but also a few relevant emails.

I'm available if helpful to get on phone at some point or possibly review draft at some point. More notice, however, is better than less.

Ex. 5 - Deliberative Process

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

To: Evans, DavidA[Evans.DavidA@epa.gov]
Cc: Marten, Alex[Marten.Alex@epa.gov]; Macpherson, Alex[Macpherson.Alex@epa.gov]
From: Bryson, Joe
Sent: Thur 10/12/2017 6:09:35 PM
Subject: RE: For repeal docket: Articles cited in EE uncertainty section

Sounds good.

Ex. 6 - Personal Privacy

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

From: Evans, DavidA
Sent: Thursday, October 12, 2017 1:04 PM
To: Bryson, Joe <Bryson.Joe@epa.gov>
Cc: Marten, Alex <Marten.Alex@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: For repeal docket: Articles cited in EE uncertainty section

Joe,

I think that is all we need. Per Alex's email earlier today, we only need to docket references in the 2017 repeal proposal that were not already included in the original CPP docket. I propose that NCEE will add to the docket any references in section 5.3 the 2017 proposal RIA that are

not in your list below. Does that sound good to you? Comparing the reference list below to the studies referenced in section 5.3, it seems that the only additional studies that need to be uploaded to the docket are in footnote 58 (i.e., the footnote I excerpted in my email below).

Thanks!

Dave

From: Bryson, Joe
Sent: Thursday, October 12, 2017 12:52 PM
To: Evans, DavidA <Evans.DavidA@epa.gov>
Cc: Marten, Alex <Marten.Alex@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: For repeal docket: Articles cited in EE uncertainty section

Dave,

Here is the list of references from the Final CPP (2015) DS-EE TSD. All of these documents are in the docket. We also have them stored on a shared drive here in OAP. Is that what you needed?

Joe

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From: Evans, DavidA

Sent: Thursday, October 12, 2017 10:52 AM

To: Bryson, Joe <Bryson.Joe@epa.gov>

Cc: Marten, Alex <Marten.Alex@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>

Subject: For repeal docket: Articles cited in EE uncertainty section

Hi Joe,

In our work on uncertainties associated with the cost and performance of EE programs, we added a few references to the discussion, mostly in the footnote below. I think there were two others: Auffhammer 2009 and Gillingham et al., 2006. Do you want us to put these references in the docket? I'm not sure whether any are in the CPP docket already. Do you know off the top of your head if any of these are in the 2015 CPP docket? I am fairly certain a few of them were referenced in the EE TSD, but I haven't checked yet. Regardless, I suspect we can err on the side of duplication if we aren't sure.

Thanks.

Dave

See for example: Meredith Fowlie, Michael Greenstone, Catherine Wolfram. "Do Energy Efficiency Investments Deliver? Evidence from the Weatherization Assistance Program", NBER Working Paper No. 21331, Issued in July 2015. Allcott and Greenstone. 2017. "Measuring the Welfare Effects of Residential Energy Efficiency Programs." NBER Working Paper No. 23386, Issued in May 2017. Zivin and Novan. 2016. Upgrading Efficiency and Behavior: Electricity Savings from Residential Weatherization Programs. The Energy Journal. Steven Nadel, "Critiques of Energy Efficiency Policies and Programs: Some Truth But Also Substantial Mistakes and Bias," American Council for an Energy Efficient Economy, April 2016. Judson Boomhower and Lucas Davis. "Do Energy Efficiency Investments Deliver at the Right Time?", NBER Working Paper No. 23097, Issued in January 2017. Weatherization Assistance Program (WAP) prepared by Oak Ridge National Laboratory (ORNL). August 2015. http://weatherization.ornl.gov/WAP_NationalEvaluation_WxWorks_v14_blue_8%205%2015.pdf Allcott, H. and T. Rogers (2014). "The Short-Run and Long-Run Effects of Behavioral Interventions: Experimental Evidence from Energy Conservation." American Economic Review 104(10): 3003-3037. Allcott, H. (2011). "Social Norms and Energy Conservation." Journal of Public Economics 95(9-10): 1082-1095. Ayres, I., S. Raseman, and A. Shih (2009). "Evidence

from two large field experiments that peer comparison feedback can reduce residential energy usage.” Journal of Law, Economics, and Organization 29 (5): 992-1022.

To: Chris Lamie[Chris.Lamie@erg.com]
From: Bryson, Joe
Sent: Mon 8/28/2017 6:34:57 PM
Subject: RE: Check-in re EE Analysis

Sounds good. Thanks.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

From: Chris Lamie [mailto:Chris.Lamie@erg.com]
Sent: Monday, August 28, 2017 2:26 PM
To: Bryson, Joe <Bryson.Joe@epa.gov>
Subject: RE: Check-in re EE Analysis

Thanks Joe. 11:00 should work for me on Thursday. I'll be on the road all morning but can participate in the call safely (hands-free).

Chris

From: Bryson, Joe [mailto:Bryson.Joe@epa.gov]
Sent: Monday, August 28, 2017 2:24 PM
To: Chris Lamie <Chris.Lamie@erg.com>
Subject: RE: Check-in re EE Analysis

Hey Chris,

Welcome back.

If 10 or 12 is better for you on Thursday, let me know and I can move this.

Has been a little chaotic and CPP repeal work is not quite clear, yet. Hope to get direction later this week.

Meanwhile, Pat et. al. are OK to move ahead w/ the paper (Ariel, etc.) and I asked Pat for a nearer term research/think effort related to CPP repeal but not analysis related.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

-----Original Appointment-----

From: Chris Lamie [<mailto:Chris.Lamie@erg.com>]

Sent: Monday, August 28, 2017 1:55 PM

To: Bryson, Joe

Subject: Tentative: Check-in re EE Analysis

When: Thursday, August 31, 2017 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: 866-299-3188; code = 202-343-9631

To: Stenhouse, Jeb[Stenhouse.Jeb@epa.gov]
Cc: Adamantiades, Mikhail[Adamantiades.Mikhail@epa.gov]
From: Bryson, Joe
Sent: Fri 7/14/2017 12:41:04 PM
Subject: RE: time to chat tomorrow, Friday, about CPP analysis?

Moved it to 12:30 ... just in case we need the time.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

From: Stenhouse, Jeb
Sent: Friday, July 14, 2017 8:27 AM
To: Bryson, Joe <Bryson.Joe@epa.gov>
Cc: Adamantiades, Mikhail <Adamantiades.Mikhail@epa.gov>
Subject: Re: time to chat tomorrow, Friday, about CPP analysis?

That would work for me too.

On Jul 14, 2017, at 8:25 AM, Bryson, Joe <Bryson.Joe@epa.gov> wrote:

Great. Thanks.

I see Misha has a conflict starting at 11:30.

If we don't want to be rushed, let me know, and I can move this back to a 12 or 1230 start time.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

From: Stenhouse, Jeb

Sent: Friday, July 14, 2017 6:15 AM

To: Bryson, Joe <Bryson.Joe@epa.gov>

Cc: Adamantiades, Mikhail <Adamantiades.Mikhail@epa.gov>

Subject: Re: time to chat tomorrow, Friday, about CPP analysis?

Works for me, and good idea!

On Jul 13, 2017, at 5:19 PM, Bryson, Joe <Bryson.Joe@epa.gov> wrote:

Hey Guys,

Carolyn just brought me some news from Reid re likelihood of near-term need for revisiting/updating CPP repeal proposal analysis.

I've given a little thought to the EE aspects, which, regardless of how we approach this, can have a substantial effect on the #s.

Could the 3 of us get together for an initial chat about this tomorrow at 11-1130am? I'll send you and invite. Can push it back to 12 or 1pm start if you prefer.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

To: Stenhouse, Jeb[Stenhouse.Jeb@epa.gov]
Cc: Adamantiades, Mikhail[Adamantiades.Mikhail@epa.gov]
From: Bryson, Joe
Sent: Fri 7/14/2017 12:25:00 PM
Subject: RE: time to chat tomorrow, Friday, about CPP analysis?

Great. Thanks.

I see Misha has a conflict starting at 11:30.

If we don't want to be rushed, let me know, and I can move this back to a 12 or 1230 start time.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

From: Stenhouse, Jeb
Sent: Friday, July 14, 2017 6:15 AM
To: Bryson, Joe <Bryson.Joe@epa.gov>
Cc: Adamantiades, Mikhail <Adamantiades.Mikhail@epa.gov>
Subject: Re: time to chat tomorrow, Friday, about CPP analysis?

Works for me, and good idea!

On Jul 13, 2017, at 5:19 PM, Bryson, Joe <Bryson.Joe@epa.gov> wrote:

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Carolyn just brought me some news from Reid re

Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

Could the 3 of us get together for an initial chat about this tomorrow at 11-1130am? I'll send you and invite. Can push it back to 12 or 1pm start if you prefer.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631